Kenosha County

COUNTY BOARD OF SUPERVISORS

NOTICE OF MEETING

NOTE: UNDER THE KENOSHA COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SEC. 210(2) OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY ITEM SCHEDULED FOR THE FIRST OF TWO READINGS IS SUBJECT TO A MOTION TO SUSPEND THE RULES IN ORDER TO PROCEED DIRECTLY TO DEBATE AND VOTE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN.

NOTICE IS HEREBY GIVEN the **Regular County Board Meeting** of the Kenosha County Board of Supervisors will be held on **Tuesday, the 21st day of September at 7:30PM.,** in the County Board Room located in the Administration Building. The following will be the agenda for said meeting:

A. Call To Order By Chairman O'Day

B. Pledge Of Allegiance

C. Roll Call Of Supervisors

D. Citizen Comments

E. Announcements Of The Chairman

F. Supervisor Reports

G. COUNTY EXECUTIVE APPOINTMENTS

34. Edward Kubicki To Serve On The Kenosha County Local Emergency Planning Committee

Documents:

KUBICKI - LEPC 2021.PDF

H. NEW BUSINESS

Resolution - One Reading

55. From The Human Services Committee - A Resolution To Designate Kenosha County As The Coordinator Of Transportation Services For Elderly And Disabled Persons In The County

Documents:

DADBHS TRANSPORTATION.PDF

56. From The Human Services And Finance/Administration Committees - A Resolution To Modify The Division Of Aging, Disability And Behavioral Health Services 2021 Budget For A Grant — Crisis Law Enforcement Emergency Detention

Documents:

RESOLUTION TO MODIFY THE DAD AND BHS 2021 BUDGET FOR A GRANT- CRISIS LAW ENFORCEMENT EMERGENCY DETENTION.PDF

57. From The Judiciary & Law Enforcement And Finance/Administration Committees - A Resolution To Accept The 2021 Walmart Foundation Grant - Discharge Planner Program

Documents:

2021 WALMART FOUNDATION GRANT - DISCHARGE PLANNER PROGRAM.PDF

58. From The Public Works And Finance/Administration Committees - A Resolution Authorizing Director Of Parks To Apply For Grant Funding From The County Conservation Aids Program With The Wisconsin Department Of Natural Resources Which Will Be Used To Stock Fish In Kenosha County Veterans Memorial Park

Documents:

RESOLUTION AUTHORIZING DIRECTOR OF PARKS TO APPLY FOR GRANT FUNDING FROM THE COUNTY CONSERVATION AIDS PROGRAM WITH WDNR.PDF

59. From The Public Works And Finance/Administration Committees - A Resolution Authorizing Easement Of HWY RIGHT-OF-WAY On CTHS Q And U To Uline Corporation For Maintenance

Documents:

RESOLUTION AUTHORIZING EASEMENT OF HWY RIGHT-OF-WAY ON CTHS Q AND U TO ULINE CORPORATION FOR MAINTENANCE.PDF

60. From The Public Works And Finance/Administration Committees - A Resolution Authorizing Transfer Of Part Of One Parcel To The State Of Wisconsin Department Of Transportation For Highway 158 Project

Documents:

RESOLUTION AUTHORIZING TRANSFER OF PART OF ONE PARCEL TO THE STATE OF WI DEPT OF TRANS FOR HIGHWAY 158 PROJECT.PDF

I. COMMUNICATIONS

6. Communication From Andy M. Buehler Regarding Future Items Scheduled Before The Planning, Development & Extension Education Committee

Documents:

10-13-2021 COMMUNICATIONS.PDF

J. CLAIMS

15. Bill E. Beth - Petition Of Writ Of Certiorari

Documents:

BETH WRIT OF CERTIORIARI.PDF

K. Adjourn

COUNTY OF KENOSHA

OFFICE OF THE COUNTY EXECUTIVE
Jim Kreuser, County Executive

1010 – 56th Street, Third Floor
Kenosha, Wisconsin 53140
(262) 653-2600
Fax: (262) 653-2817

ADMINISTRATIVE PROPOSAL

COUNTY EXECUTIVE APPOINTMENT 2021/22-34

RE: KENOSHA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

TO THE HONORABLE KENOSHA COUNTY BOARD OF SUPERVISORS:

Placing special trust in his/her/their judgment and based upon his/her/their qualifications, I hereby submit to the honorable Kenosha County Board of Supervisors for its review and approval the name of

Edward Kubicki
Kenosha, WI 53140

to serve a three-year term on the Kenosha County Local Emergency Planning Committee as the County Board representative (Group 1), beginning immediately upon the confirmation of the County Board and continuing until the 1st day of November 2024 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Edward Kubicki will serve without pay.

Edward Kubicki will be filling a vacancy on the Committee.

Respectfully submitted this 16th day of September 2021.

Jim Kreuser
Kenosha County Executive

COUNTY OF KENOSHA
OFFICE OF THE COUNTY EXECUTIVE
JIM KREUSER

APPOINTMENT PROFILE
KENOSHA COUNTY COMMISSIONS, COMMITTEES & BOARDS

(Please type or print)
Information marked with an * will be redacted before this form is publicly posted.

Name: Edward (First) D. (Middle Initial (optional)) Kubicki (Last)

*Residence Address: _____

Occupation: Kemper Center, Inc. (Company) Executive Director (Title)

*Business Address: _____

*Telephone Number: Residence _____ *Business _____

*Daytime Telephone Number: _____

*Email Address: _____

Name of the Commission, Committee or Board for which you are applying:

Local Emergency Planning Committee

Personal Statement: Please indicate why you believe you would be a valuable addition to the Commission, Committee or Board for which you are applying. If more space is needed, please attach a separate sheet.

I believe that my 30 plus years as a professional firefighter in the City of Highland Park, Illionios would be an asset on the Local Emergency Planning Committee.

Additional Information:
N/A

Nominee's Supervisory District: 6

Special Interests: Indicate organizations or activities in which you have a special interest but may not have been actively involved.
Boys and Girls Club

Do you or have you done business with any part of Kenosha County Government in the past 5 years? Yes ☐ No ☑ If yes, please attach a detailed explanation.

Affiliations: List affiliations in all service groups, public service organizations, social or charitable groups, labor, business or professional organization, and indicate if it was a board or staff affiliation.
Former Police and Fire Commissioner, Former Hope Council Member, Former Shalom Center Volunteer.

Governmental Services: List services with any governmental unit.
County Board Supervisor District 6

Conflict Of Interest: It would be inappropriate for you, as a current or prospective appointee, to have a member of your immediate family directly involved with any action that may come under the inquiry or advice of the appointed board, commission, or committee. A committee member declared in conflict would be prohibited from voting on any motion where "direct involvement" had been declared and may result in embarrassment to you and/or Kenosha County.

Edward D. Kubicki
Signature of Nominee

09/13/2021
Date

Please Return To: Kenosha County Executive
1010 – 56th Street
Kenosha, WI 53140

(For Office Use Only)

Appointed To: _____
Commission/Committee/Board

Term: Beginning _____ Ending _____

Confirmed by the Kenosha County Board on: _____

New Appointment ✓ Reappointment _____

Previous Terms: _____
_____

KENOSHA COUNTY
BOARD OF SUPERVISORS

RESOLUTION NO._____

Subject: **Resolution to designate Kenosha County as the coordinator of transportation services for elderly and disabled persons in the county.**	
Original ☒ Corrected ☐	2nd Correction ☐ Resubmitted ☐
Date Submitted:	Date Resubmitted:
Submitted By: Human Services Committee	
Fiscal Note Attached ☐	Legal Note Attached ☐
Prepared By: Rebecca Dutter	Signature: Rebecca Dutter

WHEREAS, Chapter 49, Section 5310, United States Code, Elderly and Disabled Transportation program provides for capital Mobility Management assistance to be used in service the special transportation needs of elderly and disabled persons for whom regular public transit services are unavailable, insufficient or inappropriate; and

WHEREAS, the Kenosha County Division of Aging, Disability and Behavioral Health Services has successfully sponsored a Mobility Management program since 2008 which serves as a focal point for transportation inquiries, problem resolution and promotion of transportation services which currently includes paratransit services (Care-A-Van), Western Kenosha County Transit and Volunteer Transportation Service; and

WHEREAS, Federal Transit Administration Circular 9070.1 states that Mobility Management consists of short-range planning activities for improving coordination among public and other transportation provides with the result of improving and expanding the accessibility of service; and

WHEREAS, the Wisconsin Administrative Code, Trans 2.10 Public Body Applicants, requires the County Board Resolution designating a local public body as the coordinator of transportation services for elderly and disabled persons in the county as a condition of eligibility for 5310 Mobility Management funds; and

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of supervisors designates Kenosha County as the local public body to coordinate transportation services for elderly and disabled persons in Kenosha County.

HUMAN SERVICES COMMITTEE:	Aye	Nay	Abstain	Excused
Laura Belsky, Chairman	☑	☐	☐	☐
Andy Berg, Vice Chairman	☑	☐	☐	☐
Sandra Beth	☑	☐	☐	☐
Erin Decker	☑	☐	☐	☐
Jerry Gulley	☑	☐	☐	☐
Kim Lewis	☑	☐	☐	☐
Terry Rose	☑	☐	☐	☐

KENOSHA COUNTY
BOARD OF SUPERVISORS

RESOLUTION NO._____

Subject: **Resolution to modify the Division of Aging, Disability and Behavioral Health Services 2021 budget for a grant: Crisis Law Enforcement Emergency Detention**	
Original ☒ Corrected ☐	2nd Correction ☐ Resubmitted ☐
Date Submitted:	Date Resubmitted:
Submitted By: Human Services Committee	
Fiscal Note Attached ☐	Legal Note Attached ☐
Prepared By: Rebecca Dutter	Signature:

WHEREAS, the Kenosha County Department of Human Services, Division of Aging, Disability & Behavioral Health Services, received a seven- month grant from the State of Wisconsin Department of Health Services, effective August 15, 2021, focused on improving communication between Emergency Medical Services (EMS) and Crisis services, and

WHEREAS, Kenosha County Division of Aging, Disability & Behavioral Health Services in partnership with Kenosha County crisis contractor, Kenosha Human Development Services will provide training and education to EMS to support communication and collaboration in crisis situations through several continuing education classes and case review, and

WHEREAS, over 90% of local EMS will be trained to identify signs and symptoms of a behavioral crisis, how to determine need and how to obtain crisis services, and

WHEREAS, The Kenosha County Division of Aging, Disability & Behavioral Health will receive a seven month grant up to $33,484 and

WHEREAS, this budget modification poses no levy funded costs to the County.

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Department of Human Services, Division of Aging, Disability & Behavioral Health Services, be authorized to increase purchased expenses by up to $33,484 over seven months per attached budget modification incorporated herein by referenced.

HUMAN SERVICES COMMITTEE:

	Aye	Nay	Abstain	Excused
Laura Belsky, Chairman	☑	☐	☐	☐
Andy Berg, Vice Chairman	☑	☐	☐	☐
Sandra Beth	☑	☐	☐	☐
Erin Decker	☒	☐	☐	☐
Jerry Gulley	☑	☐	☐	☐
Kim Lewis	☒	☐	☐	☐
Terry Rose	☒	☐	☐	☐

FINANCE/ADMINISTRATION COMMITTEE:

	Aye	Nay	Abstain	Excused
Jeff Gentz, Chairman	☑	☐	☐	☐
Ron Frederick, Vice Chairman	☑	☐	☐	☐
David Celebre	☑	☐	☐	☐
John Franco	☑	☐	☐	☐
Ed Kubicki	☒	☐	☐	☐
Jeff Wamboldt	☐	☐	☐	☒
Monica Yuhas	☑	☐	☐	☐

KENOSHA COUNTY EXPENSE/REVENUE BUDGET MODIFICATION FORM

DOCUMENT # _____ G/L DATE _____

DEPT/DIVISION: DADBHS

BATCH # _____ ENTRY DATE _____

PURPOSE OF BUDGET MODIFICATION (REQUIRED):

(1) ACCOUNT DESCRIPTION	(2)				BUDGET CHANGE REQUESTED (3)	(4)	(5)	(6)	(7)	AFTER TRANSFER (8)	(9)
EXPENSES	FUND	DIVISION	SUB DIVISION	MAIN ACCOUNT	EXPENSE INCREASE (+)	EXPENSE DECREASE (-)	ADOPTED BUDGET	CURRENT BUDGET	ACTUAL EXPENSES	REVISED BUDGET	EXPENSE BAL AVAIL
Behavioral Health	200	480	4830	571770	33,484		14,616,325	14,842,337	6,556,204	14,875,821	8,319,617
										-	-
										-	-
										-	-
										-	-
										-	-
										-	-
										-	-
										-	-
										-	-
										-	-
			EXPENSE TOTALS		33,484.00	-	14,616,325.00	14,842,337.00	6,556,204.00	14,875,821.00	8,319,617.00

REVENUES	FUND	DIVISION	SUB DIVISION	MAIN ACCOUNT	REVENUE DECREASE (+)	REVENUE INCREASE (-)	ADOPTED BUDGET	CURRENT BUDGET	REVISED BUDGET
Rapid Cycle Project Grant	200	480	4830	445057		33,484			33,484
									-
									-
									-
									-
									-
			REVENUE TOTALS		-	33,484.00	-	-	33,484.00

COLUMN TOTALS (EXP TOTAL + REV TOTAL)	33,484.00	33,484.00

SEE BACK OF FORM FOR REQUIRED LEVELS OF APPROVAL FOR BUDGET MODIFICATION.

PREPARED BY: ~~Terri Niesen~~

FINANCE DIRECTOR: _____ Date _____
(required)

DIVISION HEAD: _____ Date 8/30/24

DEPARTMENT HEAD: _____ Date 8-30-24

COUNTY EXECUTIVE: _____ Date _____

Please fill in all columns:
(1) & (2) Account information as required
(3) & (4) Budget change requested
(5) Original budget as adopted by the board
(6) Current budget (original budget w/past mods.)
(7) Actual expenses to date
(8) Budget after requested modifications
(9) Balance available after transfer (col 8 - col 7).

KENOSHA COUNTY
BOARD OF SUPERVISORS
RESOLUTION NO. _____

Subject: **2021 Walmart Foundation Grant – Discharge Planner Program**			
Original ☒	Corrected ☐	2nd Correction ☐	Resubmitted ☐
Date Submitted:		Date Resubmitted	
Submitted By: **Judiciary & Law Enforcement Committee & Finance/Administration Committee**			
Fiscal Note Attached X		Legal Note Attached ☐	
Prepared By: **Angela Khabbaz**		Signature: 8/18/21	

WHEREAS, the Kenosha County Sheriff's Department has been awarded $1,000.00 from the Walmart Foundation to assist the Discharge Planner program, and

WHEREAS, the Kenosha County Sheriff's Department Discharge Planner program helps individuals suffering from addictions and receive treatment through the County's Health Department including therapy and medically assisted treatment, and

WHEREAS, the funds will enable the program to buy supplies that the inmates may need upon release from custody, for example, clothing, snacks, etc., and

WHEREAS, the awarding agency is not requiring a hard match for this award, therefore, no additional tax levy dollars are requested to implement this grant award, and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the this grant and approve the revenue and expenditure budget modifications, to the 2021 budget, as per the budget modification form, which is incorporated herein by reference, and

BE IT FURTHER RESOLVED, that any unobligated grant funds remaining available at year end be hereby authorized for carryover to subsequent years until such time as the grant funds are expended in accord with the grant requirements.

Note: This resolution requires no funds from the general fund. It increases revenues by $1,000 and increases expenditures by $1,000.

Subject: **2021 Walmart Foundation Grant – Discharge Planner Program**			
Original ☒	Corrected ☐	2nd Correction ☐	Resubmitted ☐
Date Submitted:		Date Resubmitted	
Submitted By: **Judiciary & Law Enforcement Committee & Finance/Administration Committee**			

Respectfully Submitted,
JUDICIARY AND LAW ENFORCEMENT COMMITTEE

	Aye	No	Abstain	Excused
Supervisor Sharon Pomaville, Chair	☑	☐	☐	☐
Supervisor Boyd Frederick, Vice Chair	☑	☐	☐	☐
Supervisor Jeff Wamboldt	☑	☐	☐	☐
Supervisor Laura Belsky	☑	☐	☐	☐
Supervisor Mark Nordigian	☑	☐	☐	☐
Supervisor Jerry Gulley	☑	☐	☐	☐
Supervisor Terry Rose	☑	☐	☐	☐

FINANCE/ADMINISTRATION COMMITTEE

	Aye	No	Abstain	Excused
Supervisor Jeffrey Gentz, Chair	☑	☐	☐	☐
Supervisor Ron Frederick, Vice Chair	☑	☐	☐	☐
Supervisor David Celebre	☑	☐	☐	☐
Supervisor Jeff Wamboldt	☐	☐	☐	☒
Supervisor Ed Kubicki	☒	☐	☐	☐
Supervisor Monica Yuhas	☑	☐	☐	☐
Supervisor John Franco	☑	☐	☐	☐

Kenosha County
Administrative Proposal Form

1. Proposal Overview

Division: Law Enforcement Department: SHERIFF

Proposal Summary (attach explanation and required documents):

A resolution to accept $1,000 of grant funds offered through the Walmart Foundation.

This grant was applied by DSO Edward Hartnell who is also the Discharge Coordinator for the department. The funds will be used to buy supplies inmates may need upon release from custody.

Dept./Division Head Signature: Captain [signature] Date: 08/20/2021

2. Department Head Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: [signature] Date: 8-23-2021

3. Finance Division Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: [signature] Date: 8/24/21

4. County Executive Review

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: [signature] Date: 8-24-2

Revised 01/11/2001 (5/10/01)

DISTRIBUTION

- Original Returned to Requesting Dept.
- Department attaches the Original to the Resolution to County Board
- Copy to Secretary of Oversight Committee to distribute in packets with Resolution
- Copy to Requesting Department File

KENOSHA COUNTY EXPENSE/REVENUE BUDGET MODIFICATION FORM

DOCUMENT #		G/L DATE	
BATCH #		ENTRY DATE	

DEPT/DIVISION: **SHERIFF** **2021**

PURPOSE OF BUDGET MODIFICATION (REQUIRED): To modify Sheriff Detentions 2021 budget to recognize grant funding from the Walmart Foundation to assist the Discharge Planner Program

(1) MAIN ACCOUNT DESCRIPTION **EXPENSES**	(2) FUND	DIVISION	SUB-DIVISION	MAIN ACCT	PROJECT	SUB-PROJECT	BUDGET CHANGE REQUESTED (3) EXPENSE INCREASE (+)	(4) EXPENSE DECREASE (-)	(5) ADOPTED BUDGET	(6) CURRENT BUDGET	(7) ACTUAL EXPENSES	AFTER TRANSFER (8) REVISED BUDGET	(9) EXPENSE BAL AVAIL
Grant Payment Programs	100	210	2130	571580			1,000		0	8,100	3,500	9,100	5,600
					EXPENSE TOTALS		1,000	0	0	8,100	3,500	9,100	5,600

REVENUES	FUND	DIVISION	SUB-DIVISION	MAIN ACCT	PROJECT	SUB-PROJECT	REVENUE DECREASE (+)	REVENUE INCREASE (-)	ADOPTED BUDGET	CURRENT BUDGET	REVISED BUDGET
Sundry Dept Revenue	100	210	2120	448520				1,000	0	0	1,000
					REVENUE TOTALS		0	1,000	0	0	1,000
COLUMN TOTALS (EXP TOTAL + REV TOTAL)							1,000	1,000			

PREPARED BY: [signature] 8/18/21 DIVISION HEAD: Captain [signature] #195 DATE: 08/20/2021

DEPARTMENT HEAD: [signature] DATE: 9-23-21

FINANCE DIRECTOR: [signature] 8/24/21 DATE:
(required)

COUNTY EXECUTIVE: [signature] DATE: 8-24-21

SEE BACK OF FORM FOR REQUIRED LEVELS OF APPROVAL FOR BUDGET MODIFICATION.

Please fill in all columns:
(1) & (2) Main Account information as required
(3) & (4) Budget change requested
(5) Original budget as adopted by the board
(6) Current budget (original budget w/past mods.)
(7) Actual expenses to date
(8) Budget after requested modifications
(9) Balance available after transfer (col 8 - col 7).

Walmart
702 S.W. 8th Street
Bentonville, AR 72716

KENOSHA COUNTY SHERIFFS DEPARTMENT
477788TH AVE
KENOSHA WI 53144

IN PAYMENT OF INVOICES TO

*Walmart
702 S.W. 8th ST.
BENTONVILLE, AR 72716

* INCLUDES
AIDCO
SAM'S CLUB
BUD'S OUTLET STORES
CMA*USA
NORTH ARKANSAS WHOLESALE CO., INC.
BEAVER LAKE AVIATION, INC.
PHILLIPS COMPANIES, INC.
WAL*MART PHARMACY OF MICHIGAN, INC.
WAL*MART PUERTO RICO, INC.

CHECK DATE: 08-11-21

CHECK NUMBER: 1095376

DATE	INVOICE NUMBER	STORE NUMBER	DOCUMENT NUMBER	TYPE CODE*	GROSS AMOUNT	DISCOUNT/ ALLOWANCES	NET AMOUNT
08 09 21	70565175	05-09000	97866431		1000.00	0.00	1000.00
VENDOR: /9999999975 KENOSHA COUNTY SHERIFFS DEPARTMENT					1000.00	0.00	1000.00

* VENDOR: Deduction codes are described on the reverse side of this statement

↓ DETACH AT PERFORATION ↓

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

Walmart

Walmart

WELLS FARGO BANK, N.A. 66-156
CHARLOTTE, NC 28288-0013 531

702 S.W 8th St. BENTONVILLE, AR 72716

NON-NEGOTIABLE AFTER 180 DAYS

1095376

Vendor Number	Check Date	Check Number
9999999975	08-11-21	1095376

DOLLARS	CENTS
*****1,000.00	
NET AMOUNT OF CHECK	

PAY
ONE THOUSAND DOLLARS AND NO CENTS

$

TO THE ORDER OF
KENOSHA COUNTY SHERIFFS DEPARTMENT
477788TH AVE
KENOSHA WI 53144

WALMART, INC.

Treasurer

⑈1095376⑈ ⑆053101561⑆ 2079900136854⑈

Kenosha County

BOARD OF SUPERVISORS

RESOLUTION NO._____

Subject: Resolution authorizing Director of Parks to apply for grant funding from the County Conservation Aids Program with the Wisconsin Department of Natural Resources (WDNR) which will be used to stock fish in Kenosha County Veterans Memorial Park.	
Original ☒ Corrected ☐ 2nd Correction ☐ Resubmitted ☐	
Date Submitted: 9/13/21	Date Resubmitted:
Submitted by: Matthew Collins	
Fiscal Note Attached ☐	Legal Note Attached ☐
Prepared by: Matthew Collins	Signature:

WHEREAS, Kenosha County has constructed a parkway, parking lots, restroom facility, 45 acres of prairie, trail development, boat launch, pier and multiuse dock to improve access to its natural amenities within Kenosha County Veterans Memorial Park; and

WHEREAS, Kenosha County desires to participate in a WDNR county fish and game project to stock Kenosha County Veterans Memorial Park lake; and

WHEREAS, the WDNR has grant funding available through the County Conservation Aids program specifically for the installation of fish and game projects; and

WHEREAS, the total estimated cost of the project is $2,998.30, of which $1,499.15 will be Kenosha County match; and

WHEREAS, the WDNR requires County Board approval as a step in the grant process; and

WHEREAS, the matching funds was accounted for in the 2021 Kenosha County budget; and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors authorizes the Director of Parks to act on its behalf to submit an application to the WDNR for a County Conservation Grant, sign documents and take necessary action to undertake, direct and complete the submission of the grant application for these projects.

Respectfully Submitted:

Committee:

	Aye	Nay	Abstain	Excused
Bill Grady, Chairperson	X			
John Franco, Vice Chairperson	✓			
Supervisor Laura Belsky	X			
Supervisor Andy Berg	X			
Supervisor Gabe Nudo				X
Supervisor Sharon Pomaville	✓			
Supervisor Zach Rodriguez	✓			

FINANCE/ADMINISTRATION COMMITTEE

	Aye	Nay	Abstain	Excused
Supervisor Jeffrey Gentz, Chair	☑	☐	☐	☐
Supervisor Ronald J. Frederick, Vice-Chair	☑	☐	☐	☐
Supervisor John Franco	☑	☐	☐	☐
Supervisor David Celebre	☑	☐	☐	☐
Supervisor Ed Kubicki	☒	☐	☐	☐
Supervisor Jeff Wamboldt	☐	☐	☐	☒
Supervisor Monica Yuhas	☒	☐	☐	☐

Kenosha County
Administrative Proposal Form

1. Proposal Overview

Division: Parks Department: Public Works

Proposal Summary (attach explanation and required documents):

Resolution authorizing Director of Parks to apply for grant funding from the County Conservation Aids Program with the Wisconsin Department of Natural Resources (WDNR) which will be used to stock fish at Kenosha County Veteran's Memorial Park Lake.

Dept./Division Head Signature: _____ Date: 8.4.21

2. Department Head Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: _____ Date: 8-10-21

3. Finance Division Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: _____ 8/12/21 _____ Date: 8-5-21

4. County Executive Review

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: _____ Date: 8/3/21

Revised 01/11/2001

KENOSHA COUNTY

BOARD OF SUPERVISORS

RESOLUTION NO.

Subject: RESOLUTION AUTHORIZING EASEMENT OF HWY RIGHT-OF-WAY ON CTHS Q AND U TO ULINE CORPORATION FOR MAINTENANCE	
Original X Corrected ☐ 2nd Correction ☐ Resubmitted ☐	
Date Submitted:	Date Resubmitted:
Submitted By: Clement Abongwa	
Fiscal Note Attached ☐	Legal Note Attached ☐
Prepared By: John F. Moyer Sr. Asst. Corporation Counsel	Signature:

WHEREAS, Kenosha County owns certain highway Right-of Way properties contiguous to Hwys Q and U located in the Village of Pleasant Prairie, more particularly described on the attached documents, and

WHEREAS, Uline Corporation operates its business on and owns land contiguous to these right-of-ways, and

WHEREAS, Uline has shown a history of excellent maintenance, landscaping and care of its property and wishes to maintain this contiguous right-of-way in an aesthetically pleasing manner consistent with its own property, and

WHEREAS Kenosha County Highways Department is confident that Uline will maintain the right-of-ways in a safe and responsible manner which will ultimately relieve Kenosha County of the obligation to do so, and

WHEREAS, Uline will agree in the easement terms (see attached easement document) to restore the County right-of-way to its current state or better and with oversight of the Kenosha county Division of Highways, and

WHEREAS, This agreement is a cooperative effort which will benefit both parties and beautify the area, and

WHEREAS, The Director of Kenosha County Highway Division recommends such easement agreement to provide mutual benefit to the local and State motoring public, to improve safety and in the best interest of the citizens of this community.

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors hereby agrees to authorize the attached easement as described to the Uline Corporation and record the easement immediately or as soon as possible; and

BE IT FURTHER RESOLVED now and in the future that the Kenosha County Executive and County Clerk are hereby authorized to execute the appropriate documents in order to execute this transaction in accordance with State law.

Respectfully submitted by:

PUBLIC WORKS COMMITTEE	Aye	No	Abstain
William Grady, Chairman	☑	☐	☐
John Franco, Vice Chair	☑	☐	☐
Laura Belsky	☑	☐	☐
Zach Rodriguez	☑	☐	☐
Sharon Pomaville	☑	☐	☐
Andy Berg	☑	☐	☐
EXCUSED Gabe Nudo	☐	☐	☐

Respectfully submitted by:

FINANCE COMMITTEE	Aye	No	Abstain
Jeffrey Gentz, Chairman	☑	☐	☐
Ron Frederick, Vice Chair	☑	☐	☐
David Celebre	☑	☐	☐
Jeff Wamboldt	☐	☐	☒
Edward Kubicki	☒	☐	☐
Monica Yuhas	☑	☐	☐
John Franco	☑	☐	☐

Kenosha County
Administrative Proposal Form

1. Proposal Overview

Division: DPW/Highway Department: Corporation Counsel

Proposal Summary (attach explanation and required documents):
This proposal requests authorization for transfer of easement rights on a County-owned right-of-way contiguous to CTHs Q and U to Uline Corporation for their continued maintenance, care and landscaping as this ROW is contiguous to their corporate property and they seek consistent aesthetic appearance in the area.

Dept./Division Head Signature: Clement Abongwa Date: 08/22/21

2. Public Works Review

Comments:

Recommendation: Approval ☑ Non-Approval ☐

Department Head Signature: [signature] Date: 8-23-21

3. Finance Division Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: [signature] 8/26/21 Date: 8/23/21

4. County Executive Review

Comments:

Action: Approval ☑ Non-Approval ☐

Executive Signature: [signature] Date: 8/31/21

Document Number	**EASEMENT** **RIGHT OF WAY HWYS Q, U**

For good and valuable consideration, **COUNTY OF KENOSHA ,** hereinafter referred to as "grantor", owner of land, grants and warrants to **ULINE CORPORATION,** hereinafter referred to as "grantee", a permanent easement upon, within and beneath a part of grantor's land hereinafter described, for the sum of one dollar ($1.00) for maintaining, irrigating and landscaping the area of the right-of-way in particularized areas contiguous to County Highways Q and U.

The easement area is described as set forth in attached **Exhibit A**.

1. **Buildings or Other Structures:** The grantee agrees that no buildings or other structures will be erected in the easement area, and that all maintenance, irrigation and landscaping will be performed in a safe and prudent manner and will be in compliance with all State of Wisconsin and local codes, and other state, federal and local regulations for the type of activity involved.

RETURN TO:
Kenosha Co. Corporation Counsel
912 – 56th Street
Kenosha, WI 53140

_____
(Parcel Identification Number)

2. **Restoration:** Grantee agrees to restore or cause to have restored the grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry, or to a better condition, by the grantee or its agents.

3. **Binding on Approved Successor or Assigns:** This grant of easement may not be transferred or assigned by grantee without the express written consent of the grantor.

4. **Oversight:** Kenosha County Division of Highways retains a right to review and be fully informed of all maintenance, irrigation and landscaping on an ongoing basis.

By: _____
Jim Kreuser
Kenosha County Executive

By: _____
Jim Maloney
Uline Corporation

Personally subscribed and sworn to before me in Kenosha County, Wisconsin on _____, 2021, by the above named County Executive and Uline Representative.

Signed_____by Notary Public _____.
Notary Public, State of Wisconsin. My commission expires:_____.

This document was drafted by: Mr. John F. Moyer, Wis. State Bar No. 1003566

COUNTY TRUNK HIGHWAY 'U', WISCONSIN

MAINTENANCE AGREEMENT EASEMENT LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 21 EAST, OF THE FOURTH PRINCIPAL MERIDIAN SAID LAND BEING IN THE VILLAGE OF BRISTOL, COUNTY OF KENOSHA AND STATE OF WISCONSIN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

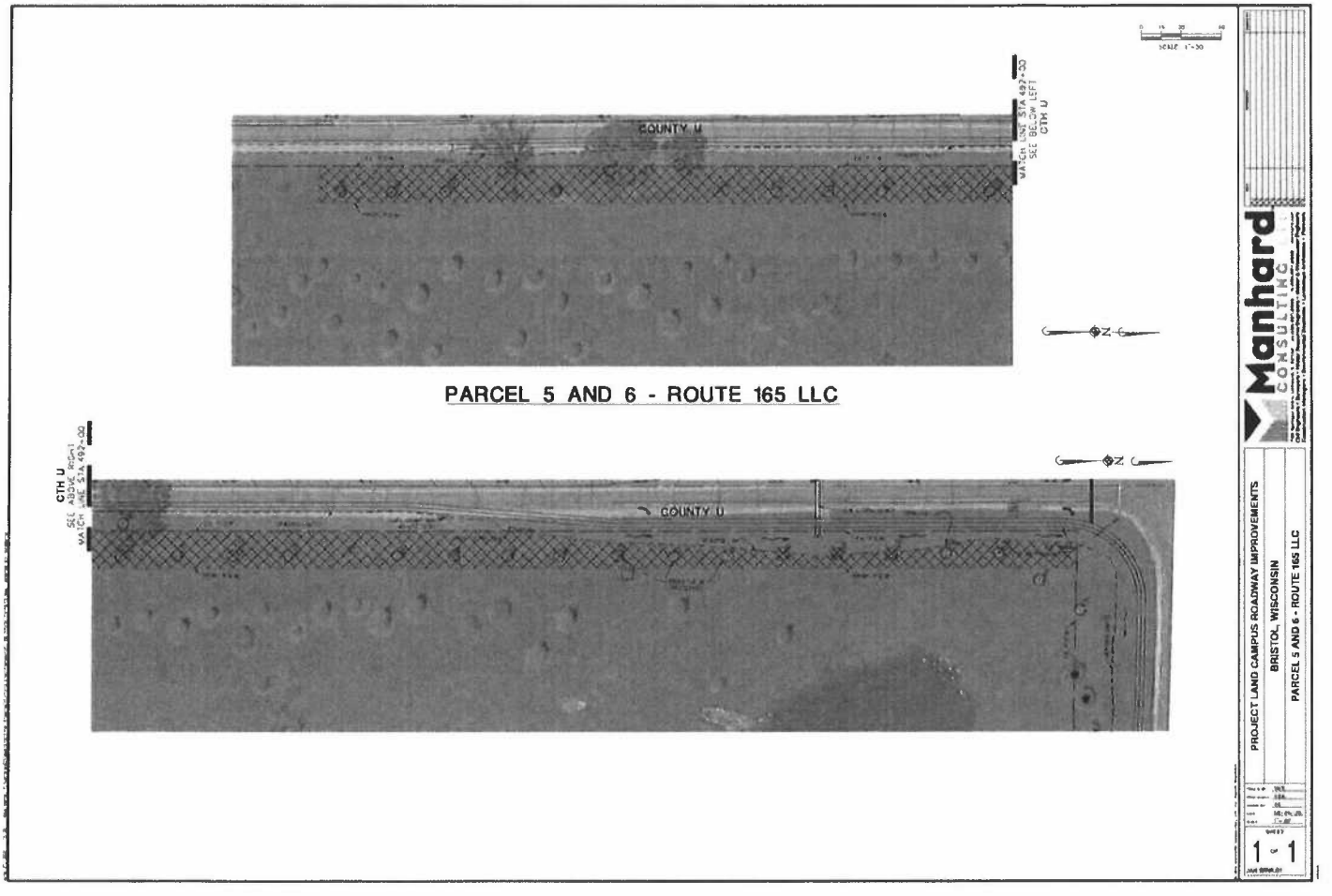
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE SOUTH 00 DEGREES 42 MINUTES 38 SECONDS EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 80.02 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 58 SECONDS EAST, A DISTANCE OF 42.44 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 33 MINUTES 58 SECONDS EAST, A DISTANCE OF 17.57 FEET TO A POINT ON A LINE BEING 60.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE; THENCE SOUTH 00 DEGREES 42 MINUTES 38 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1227.43 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES 22 SECONDS WEST, A DISTANCE OF 27.00 FEET TO A POINT ON A LINE BEING 33.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE; THENCE NORTH 00 DEGREES 42 MINUTES 38 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 814.63 FEET; THENCE NORTH 05 DEGREES 34 MINUTES 42 SECONDS EAST, A DISTANCE OF 73.70 FEET; THENCE NORTH 02 DEGREES 52 MINUTES 09 SECONDS EAST, A DISTANCE OF 151.36 FEET; THENCE NORTH 03 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 83.52 FEET; THENCE NORTH 12 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 37.26 FEET; THENCE NORTH 02 DEGREES 40 MINUTES 05 SECONDS EAST, A DISTANCE OF 69.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 28,783 SQUARE FEET, (0.661 ACRES) MORE OR LESS.

PREPARED BY:
MANHARD CONSULTING, LTD.
ONE OVERLOOK POINT, SUITE 290
LINCOLNSHIRE, ILLINOIS, 60069
PHONE: 847.634.5550
WWW.MANHARD.COM

AUGUST 17, 2021


COUNTY U
MATCH LINE STA 492+50
SEE BELOW LEFT
CTH U
N
PARCEL 5 AND 6 - ROUTE 165 LLC
CTH U
SEE ABOVE RIGHT
MATCH LINE STA 492+00
COUNTY U
N
Manhard
CONSULTING
PROJECT LAND CAMPUS ROADWAY IMPROVEMENTS
BRISTOL, WISCONSIN
PARCEL 5 AND 6 - ROUTE 165 LLC
SHEET
1 of 1

KENOSHA COUNTY

BOARD OF SUPERVISORS

RESOLUTION NO.

Subject: RESOLUTION AUTHORIZING TRANSFER OF PART OF ONE PARCEL TO THE STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION FOR HIGHWAY 158 PROJECT	
Original X Corrected ☐ 2nd Correction ☐ Resubmitted ☐	
Date Submitted:	Date Resubmitted:
Submitted By: Clement Abongwa	
Fiscal Note Attached ☐	Legal Note Attached ☐
Prepared By: John F. Moyer Sr. Asst. Corporation Counsel	Signature:

WHEREAS, Kenosha County owns parcel 80-4-222-334-0300 located on the south side of Highway 158 (52nd Street) in the Town of Somers, just east of the Canadian Pacific Railroad tracks, and

WHEREAS, The State of Wisconsin Department of Transportation (DOT) has commenced eminent domain proceedings to acquire this parcel for their highway project between Highway H and 68th Avenue in the City of Kenosha, and

WHEREAS, The State of Wisconsin is engaged in reconstruction of Highway 158 within Kenosha County and has planned improvements to improve the existing structures over the Canadian Pacific Railway and Union Pacific Railway tracks, and

WHEREAS, The existing structures over these tracks were constructed in 1958 and a concrete overlay in 1983 and asphalt overlay in 2002, and the existing asphalt pavement along this section of Highway 158 is deteriorating, and

WHEREAS, The existing concrete post and beam railings on these bridge structures do not meet current design standards, and

WHEREAS, The State of Wisconsin has made an offer to purchase a portion of this parcel for $2800 to assist them in the work on this portion of the highway and this parcel, more particularly described in the attachment, is contiguous to the Highway 158 Right-of-Way, and

WHEREAS, Part of the purchase price is also for a temporary limited easement more particularly described in the attachment and such parcel is unimproved vacant land zoned A-4, and

WHEREAS, The Director of Kenosha County Highway Division recommends such transfer and Agreement to provide mutual benefit to the local and State motoring public, to

improve safety and in the best interest of the citizens of this community and understand that this is a normal part of the DOT improvement projects.

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors hereby agrees to authorize the sale of a portion of this property known as tax parcel No. 80-4-222-334-0300, for $2,800 to the State of Wisconsin and transfer them in fee simple and as a temporary limited easement immediately or as soon as possible to the State of Wisconsin Department of Transportation; and

BE IT FURTHER RESOLVED now and in the future that the Kenosha County Executive and County Clerk are hereby authorized to execute the appropriate documents in order to execute this transaction in accordance with State law.

Respectfully submitted by:

PUBLIC WORKS COMMITTEE	Aye	No	Abstain
William Grady, Chairman	☑	☐	☐
John Franco, Vice Chair	☑	☐	☐
Laura Belsky	☑	☐	☐
Zach Rodriguez	☑	☐	☐
Sharon Pomaville	☑	☐	☐
Andy Berg	☑	☐	☐
Gabe Nudo (Excused)	☐	☐	☐

Respectfully submitted by:

FINANCE COMMITTEE	Aye	No	Abstain
Jeffrey Gentz, Chairman	☑	☐	☐
Ron Frederick, Vice Chair	☑	☐	☐
David Celebre	☑	☐	☐
Jeff Wamboldt	☐	☐	☒
Edward Kubicki	☒	☐	☐
Monica Yuhas	☑	☐	☐
John Franco	☑	☐	☐

Kenosha County
Administrative Proposal Form

1. Proposal Overview

Division: DPW/Highway Department: Corporation Counsel

Proposal Summary (attach explanation and required documents):
This proposal requests authorization for transfer of a portion of a County-owned parcel (.243 acres) and a limited temporary easement (.067 acres) to the WIS DOT for their road project on Hwy. 158. The DOT needs this contiguous area to maintain the road and bridge just east of the Canadian Pacific Rail tracks.

Dept./Division Head Signature: Clement Abongwa Date: 08/22/21

2. Public Works Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: RAY Date: 8-23-21

3. Finance Division Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: 8/31/21 Date: 8/23/21

4. County Executive Review

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: Date: 8/31/21

Revised 01/11/2001

Color Key to Real Estate Interests

Fee (Fee Simple) – Pink

Fee simple is a term that refers to real estate or land ownership. The owner of the property has full and irrevocable ownership of the land and any improvements on that land. Fee simple is the highest form of property ownership.

PLE (Permanent Limited Easement) – Green

Permanent Limited Easement (PLE) is a right for construction and maintenance purposes, as defined herein, including the right to operate necessary equipment thereon and the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable. But without prejudice to the owner's right to make or construct improvement on said lands or to flatten the slopes, providing said activities with not impair or otherwise adversely affect the highway facilities. A PLE is a permanent acquisition for a specific purpose. It is typically used for construction outside the normal right-of-way that does not seriously impair the property owner's use but does require occasional access for maintenance purposes.

TLE (Temporary Limited Easement) – Blue

Temporary Limited Easement (TLE) is a right for construction purposes, as defined herein, including the right to operate necessary equipment thereon and the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable. All TLE's are to expire at the completion of the construction project for which this instrument is given.

PL (Property Line) - Orange

Property Line (PL) the boundary line between two pieces of property.

WisDOT Division of Transportation
System Development
Southeast Region
141 NW Barstow Street
PO Box 798
Waukesha WI 53187-0798

Governor Tony Evers
Secretary Craig Thompson
wisconsindot.gov
Telephone: (262) 548-5903
FAX: (262) 548-5888
Email: ser.dtsd@dot.wi.gov

March 1, 2021

CERTIFIED MAIL 7018 1830 0001 1164 9646

KENOSHA COUNTY
C/O FISCAL MGR PUBLIC WORKS
19600 75TH STREET, SUITE 122-1
BRISTOL, WI 53104

Reference: Initiation of Negotiations-AS
Project ID: 3220-09-20, Parcel No. 3
52ND STREET, CITY OF KENOSHA
STH - 158, Kenosha County

Dear KENOSHA COUNTY:

As you may know, the Wisconsin Department of Transportation (WisDOT) is planning a highway safety project in your area. This project will affect your property and I look forward to working with you to answer your questions.

In compliance with Wisconsin statutes and federal regulations, I am writing to initiate negotiations to acquire property and/or property interests needed for the above highway project.

To explain the process, I ask you to review the following documents:

- Legal description of the land and/or interest(s) needed for the project
- Names of neighboring landowners affected by the project
- Appraisal Guidelines and Agreement
- Appraisal Report
- Agreement for Purchase and Sale of Real Estate
- "The Rights of Landowners Under Wisconsin Eminent Domain Law" pamphlet

Based on the fair market value of your affected interests, the Wisconsin Department of Transportation has determined compensation to be: **$2,800.00.**

Allocation	Description	Size	Unit	Per Unit	Value ($)
Land		0.243	Acres	$11,111.11	$2,700.00
Temporary Limited Easement (TLE)		0.067	Acres	$1,492.54	$100.00

Total Allocation $2,800.00

The department has also determined that the acquisition of property needed for the project has caused the remainder, or a portion of the remainder, to be of limited economic value. See the attached plat map for uneconomic remnant(s). If you want WisDOT to acquire the uneconomic remnant(s), please contact me for an adjusted allocation. **WisDOT will acquire the uneconomic remnant(s) for an additional $6,000.00.**

If you agree with the values in the appraisal report, **please sign the enclosed Agreement for Purchase and Sale of Real Estate for either $2,800.00 (Plat Acquisition only of FEE & TLE) or $8,700.00 (Full FEE Acquisition minus $100 TLE).** Return the document in the enclosed envelope or by **email (kathleen.panak@dot.wi.gov)** for final review and approval. Once WisDOT is satisfied that the negotiations are complete, we will send you a fully executed (signed) copy of the agreement and I will contact you to arrange for payment and closing. Please note that your signature alone on the Agreement for Purchase and Sale of Real Estate is not sufficient to result in an enforceable contract for the purchase of the needed property.

If you are not satisfied with the compensation offered for your property, you have 60 days and no later than **May 3, 2021** to obtain a second appraisal from a qualified appraiser of your choice. Please see the enclosed Appraisal Guidelines and Agreement document for requirements for reimbursement of another appraisal. If your appraisal report is submitted to my office after the 60-day statutory date, the department may consider it for negotiation purposes, but it will not be eligible for reimbursement.

I want you to be satisfied that the Wisconsin Department of Transportation treated you fairly, we answered your questions, addressed your concerns, and fully considered your property and property interests. I am happy to provide any additional information requested, if available, or discuss any additional concerns. Please contact me at 262-548-6459.

Thank you for your part in contributing to safer Wisconsin roadways.

Sincerely,

Kathleen C. Panak

Kathleen C Panak
Sr. Real Estate Specialist
Kathleen.panak@dot.wi.gov

Enclosures

SCHEDULE OF LANDS & INTERESTS REQUIRED

OWNER'S NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY, AND ARE SUBJECT TO CHANGE PRIOR TO TRANSFER OF LAND INTERESTS TO THE DEPARTMENT.

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	NEW ACRES NEW	NEW ACRES EXISTING	NEW ACRES TOTAL	TLE ACRES
1	CHARLES A. AND SUSAN A. KUPER REVOCABLE TRUST	FEE, TLE	2.173	-	2.173	0.017
3	KENOSHA COUNTY	FEE, TLE	0.243	-	0.243	0.061
4	HS TUNKIEWICZ, LLC	FEE, TLE	0.659	-	0.659	0.232
10	FIRST PARK KENOSHA OWNERS ASSOCIATION	FEE, TLE	0.230	-	0.230	0.135
11	FR-KENOSHA LLC	FEE, TLE	0.073	-	0.073	0.119
13	CANADIAN PACIFIC RAILROAD	ME	0.352	0.152	0.504	-

*ACCESS RESTRICTION AND ACCESS POINTS ACQUIRED UNDER PLAT OF RIGHT OF WAY PROJECTS:
S 0858(4)
S6 0858(2)
S6 0858(3)

NOTES:

POSITIONS ON THIS PLAT ARE WISCONSIN C COORDINATES, GRID BEARINGS, AND GRID DI

ALL NEW RIGHT-OF-WAY MONUMENTS WILL B THE COMPLETION OF THE PROJECT.

ALL RIGHT-OF-WAY LINES DEPICTED IN THE FROM PREVIOUS PROJECTS, OTHER RECORDE

RIGHT-OF-WAY BOUNDARIES ARE DEFINED WIT SYSTEM OR OTHER "SURVEYS" OF PUBLIC R

DIMENSIONING FOR THE NEW RIGHT-OF-WAY I

A TEMPORARY LIMITED EASEMENT (TLE) IS / EQUIPMENT THEREON, THE RIGHT OF INGRES PROTECT, REMOVE, OR PLANT THEREON ANY THE COMPLETION OF THE CONSTRUCTION PR

AN EASEMENT FOR HIGHWAY PURPOSES (HE), VEGETATION THAT THE HIGHWAY AUTHORITIES

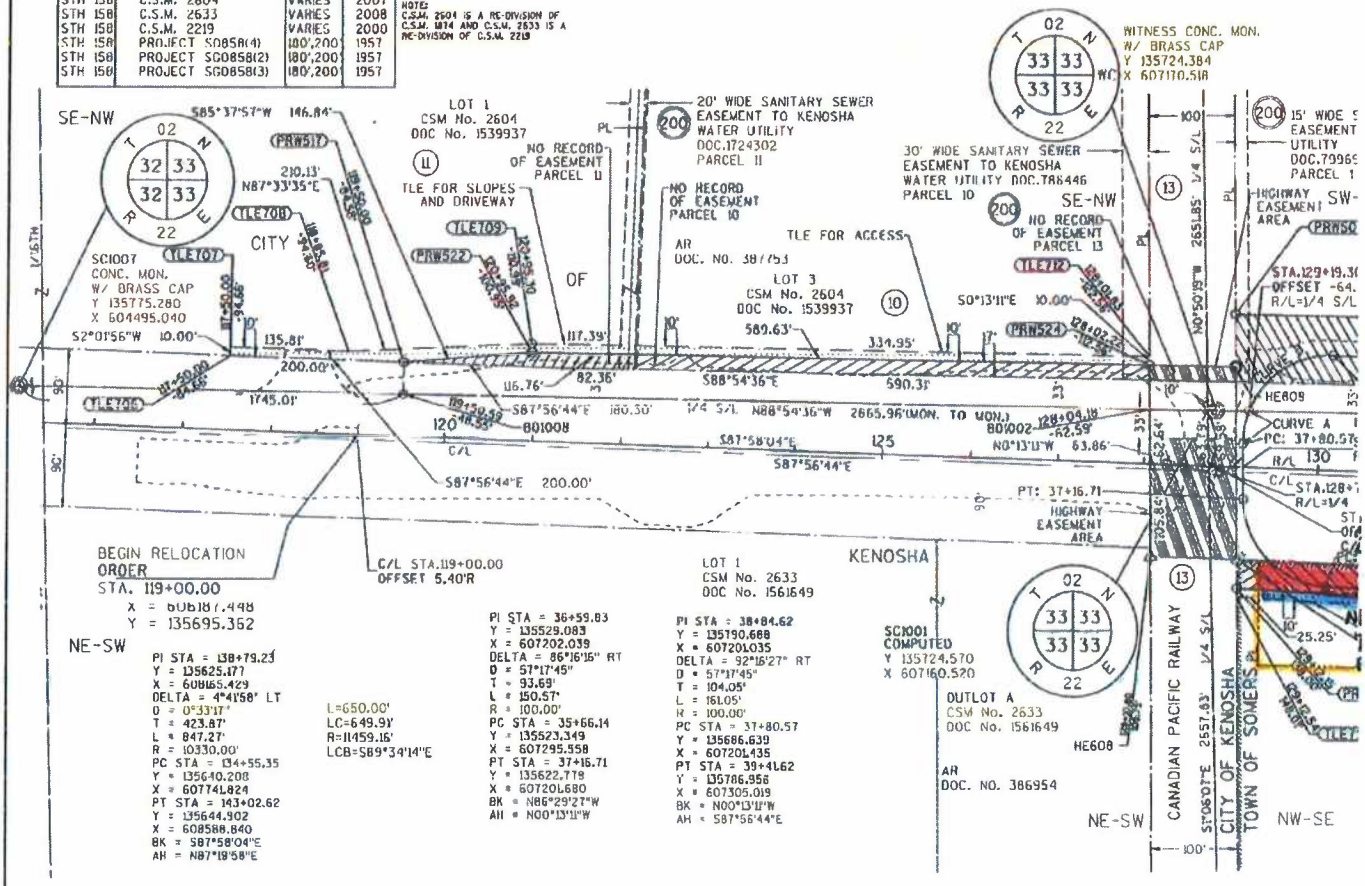
PROPERTY LINES SHOWN ON THIS PLAT ARE OCCUPATIONAL LINES. THIS PLAT MAY NOT BE USED AS A SUBSTITUTE FOR AN ACCUR

SCHEDULE OF UTILITIES & INTERESTS REQUIRED

UTILITY NUMBER	OWNER(S)	INTEREST REQUIRED
200	KENOSHA WATER UTILITY - SANITARY SEWER	RELEASE OF RIGHTS
201	KENOSHA WATER UTILITY - WATER	RELEASE OF RIGHTS
203	WE ENERGIES ELECTRIC	RELEASE OF RIGHTS
-	-	-

HWY	BASIS OF EXISTING R/W	WIDTH	YEAR
STH 158	C.S.M. 1874	VARIES	1996
STH 158	C.S.M. 2604	VARIES	2007
STH 158	C.S.M. 2633	VARIES	2008
STH 158	C.S.M. 2219	VARIES	2000
STH 158	PROJECT SG0858(4)	180',200'	1957
STH 158	PROJECT SG0858(2)	180',200'	1957
STH 158	PROJECT SG0858(3)	180',200'	1957

NOTE:
C.S.M. 2604 IS A RE-DIVISION OF C.S.M. 1874 AND C.S.M. 2633 IS A RE-DIVISION OF C.S.M. 2219



NEW RIGHT C

POINT-POINT	BEARING	DI
SC1006-BD1003	N88° 56' 01"W	133
BD1003-PRW512	S00° 43' 22"E	20
PRW512-PRW511	N87° 17' 24"W	52.
PRW511-PRW510	N89° 52' 45"W	85'
PRW510-PRW509	N86° 29' 27"W	38
PRW509-HE607	N00° 13' 11"W	32.
HE607-HE608	N07° 56'44"W	10(
HE608-BD1002	N00° 13' 11"W	168
BD1002-BD1008	N88° 54' 36"W	85.

CONVENTIONAL SYMBOLS AND ABBREVIATIONS

STATE, COUNTY, or TOWN LINE
SECTION LINE
QUARTER LINE
SIXTEENTH LINE
PROPOSED REFERENCE LINE
PROPOSED R/W LINE
EXISTING H.E LINE
PROPERTY LINE
EASEMENT LINE
CORPORATE LIMITS
EXISTING CENTERLINE
LOT & TIE LINES
UTILITIES (TELEPHONE, GAS, ELECTRIC, CABLE TV, FIBER OPTIC)
NO ACCESS (BY PREVIOUS ACQUISITION/CONTROL)
NO ACCESS (BY ACQUISITION)
NO ACCESS (BY STATUTORY AUTHORITY)
FEE (HATCH VARIES)
TEMPORARY LIMITED EASEMENT
PERMANENT LIMITED EASEMENT
PARCEL NUMBER
UTILITY PARCEL NUMBER
SIGN NUMBER (OFF PREMISE)
BUILDING
FOUND IRON PIPE/PIN
R/W MONUMENT
R/W STANDARD
SIGN
SECTION CORNER SYMBOL

ACCESS POINT / DRIVEWAY CONNECTION	AP
ACCESS RIGHTS	AR
ACRES	AC
AND OTHERS	ET AL
CENTERLINE	C/L
CERTIFIED SURVEY MAP	CSM
DOCUMENT	DOC
HIGHWAY EASEMENT	H.E.
LAND CONTRACT	LC
MONUMENT	MON
PAGE	P
PERMANENT LIMITED EASEMENT	PLE
PROPERTY LINE	PL
RECORDED AS	(000')
REFERENCE LINE	R/L
REMAINING	REM
RIGHT-OF-WAY	R/W
SECTION	SEC
SQUARE FEET	SQ.FT
STATION	STA
TEMPORARY LIMITED EASEMENT	TLE
VOLUME	V.

CURVE DATA

LONG CHORD	LCH
LONG CHORD BEARING	LCB
RADIUS	R
DEGREE OF CURVE	D
CENTRAL ANGLE OR DELTA	DELTA
LENGTH OF CURVE	L
TANGENT	TAN

NON COMPENSABLE COMPENSABLE

POWER POLE	⌂	●
TELEPHONE POLE	ø	ø
TELEPHONE PEDESTAL	⋈	⋈

LA

SCALE 0

TOTAL NET LENGTH OF C

COORDINATES, KENOSHA COUNTY, NAD 83 (2007) IN U.S. SURVEY FEET VALUES SHOWN ARE GRID
ES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES.

: 2 (TYPICALLY 3/4" X 24" REBAR), UNLESS OTHERWISE NOTED, AND WILL BE PLACED PRIOR TO

:QUISITION AREAS ARE INTENDED TO RE-ESTABLISH EXISTING RIGHT-OF-WAY LINES AS DETERMINED
IMENTS, OR FROM CENTERLINE OF EXISTING PAVEMENTS.

RSES OF THE PERIMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY

SURED ALONG AND PERPENDICULAR TO THE NEW REFERENCE LINES.

FOR CONSTRUCTION PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY
EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE, INCLUDING THE RIGHT TO PRESERVE,
TATION THAT THE HIGHWAY AUTHORITIES MAY DEEM DESIRABLE. ALL TITLE(S) ON THIS PLAT EXPIRE AT
FOR WHICH THIS INSTRUMENT IS GIVEN.

)NG AS SO USED, INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY
DEEM DESIRABLE.

N FROM DATA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR EXISTING
TRUE REPRESENTATION OF EXISTING PROPERTY LINES, EXCLUDING RIGHT-OF-WAY, AND SHOULD NOT
LD SURVEY.

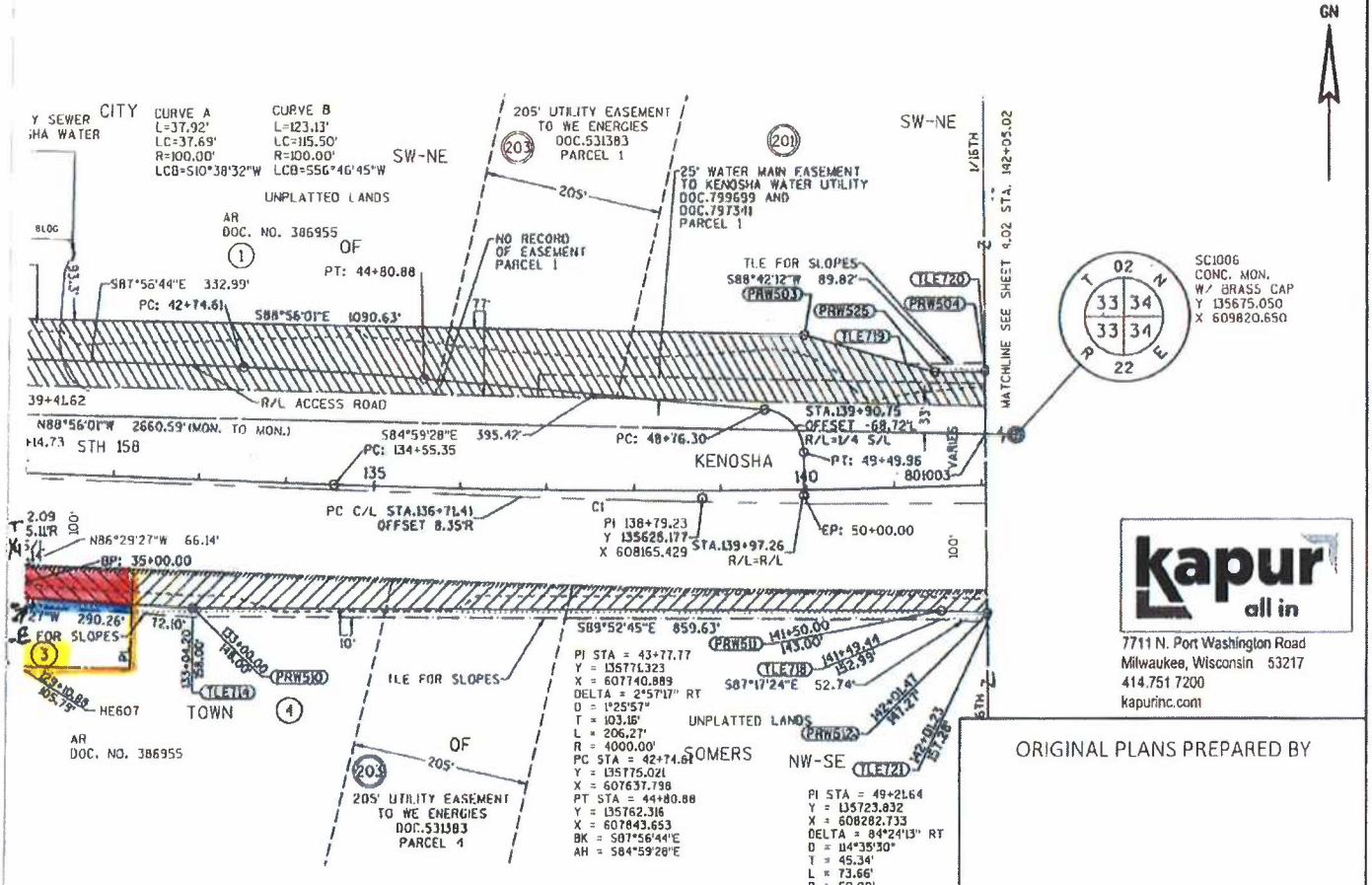
R/W PROJECT NUMBER	SHEET NUMBER	TOTAL SHEETS
3220-09-20		
CONSTRUCTION PROJECT NUMBER	4.01	
3220-09-70		

PLAT OF RIGHT OF WAY REQUIRED FOR

STH 158

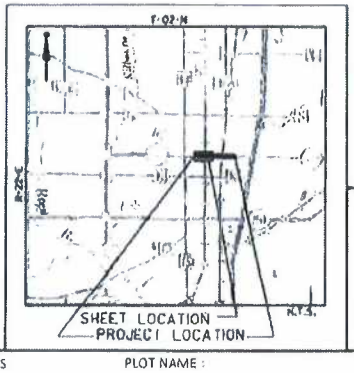
RAILROAD BRIDGES B-30-02 & B30-03

STH 158	KENOSHA COUNTY



Y COURSE TABLE

POINT-POINT	BEARING	DIST.
BD1008-PRW517	N01° 05' 24"E	36.04'
PRW517-PRW522	N85° 36' 44"E	146.84'
PRW522-PRW524	S88° 54' 36"E	706.39'
PRW524-HE609	S88° 54' 36"E	100.03'
HE609-PRW501	N00° 13' 11"W	60.03'
PRW501-PRW503	S88° 56' 01"E	1090.64'
PRW503-PRW525	S73° 56' 46"E	154.86'
PRW525-PRW504	N88° 48' 28"E	57.69'
PRW504-BD1003	S00° 36' 25"E	72.25'



200

INE =

kapur all in
7711 N. Port Washington Road
Milwaukee, Wisconsin 53217
414.751.7200
kapurinc.com

ORIGINAL PLANS PREPARED BY

WISCONSIN LAND SURVEYOR
BRIAN M. DODGE
S-2848
WAUKESHA, WI

JULY 02, 2020
(Date)

Brian M. Dodge
BRIAN M. DODGE
KAPUR & ASSOCIATES
P.L.S. NUMBER 2848

REVISION DATE

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

APPROVED FOR THE DEPARTMENT

DATE: 07/06/20

Robert A. Dreffs
(Signature)

06 AM PLOT BY : BRIAN DODGE, PS PLOT NAME :

SCHEDULE OF LANDS & INTERESTS REQUIRED

OWNER'S NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY, AND ARE SUBJECT TO CHANGE PRIOR TO TRANSFER OF LAND INTERESTS TO THE DEPARTMENT.

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	R/W (ACRES) NEW	R/W (ACRES) EXISTING	R/W (ACRES) TOTAL	PLE ACRES	TLE ACRES
1	CHARLES A. AND SUSAN A. KUPER	FEE, PLE, TLE	0.854	-	0.854	0.054	0.120
4	HS TUNKIOCT, LLC	FEE, PLE, TLE	0.643	-	0.643	0.036	0.870
5	SAGINAW CONTROL ENGINEERING, INC.	FEE, TLE	0.298	-	0.298	-	0.034
6	ST. CLOUD VENTURES, INC.	FEE,	0.083	-	0.083	-	-
7	WAR EAGLE INVESTMENTS, LLC.	FEE, TLE	0.012	-	0.012	-	0.062
12	UNION PACIFIC RAILROAD COMPANY	ME	0.608	0.190	0.798	-	

SCHEDULE OF UTILITIES & INTERESTS REQUIRED

UTILITY NUMBER	OWNER(S)	INTEREST REQUIRED
201	KENOSHA WATER UTILITY - WATER	RELEASE OF RIGHTS
203	WE ENERGIES ELECTRIC	RELEASE OF RIGHTS
204	AT&T WISCONSIN	RELEASE OF RIGHTS
205	US SPRINT	RELEASE OF RIGHTS

*ACCESS RESTRICTION AND ACCESS POINTS ACQUIRED UNDER PLAT OF RIGHT OF WAY PROJECTS: SG 0858(3)

HWY	BASIS OF EXISTING R/W	WIDTH	YEAR
STH 158	PROJECT SG0855(2)	180',200'	1957
STH 158	PROJECT SG0858(3)	180',200'	1957
STH 158	PROJECT SG858(4)	180',200'	1957
STH 158	INDIAN TRAIL ESTATES SUBD.	120'	2002

STATION OFFSET TABLE

Point	Station	Offset
TLE721	142+01.23	167.29
PRW512	142+01.47	147.27
BD1003	142+09.46	-58.98
PRW504	142+09.43	-131.20
TLE720	142+08.70	-141.31
TLE729	144+88.00	425.02
PRW514	145+00.00	175.00
TLE728	146+00.00	186.04
TLE730	145+62.00	402.50
TLE728	145+79.00	198.00
PLE740	146+12.57	198.47
PLE741	146+22.03	178.77
TLE739	146+89.04	200.89
TLE722	146+93.35	-130.02
PRW515	147+00.00	181.16
PRW527	147+00.00	-110.00
TLE731	147+05.00	206.00
TLE723	147+33.11	-152.78
PRW516	148+00.23	143.01
PRW501	149+02.00	136.00
TLE732	148+04.70	188.11
PLE737	148+21.76	-173.98
PRW507	148+60.00	-136.00

Point	Station	Offset
TLE724	149+02.78	-335.14
TLE733	149+20.42	170.04
PRW518	149+24.06	146.08
HE602	149+25.07	138.09
PRW508	149+35.81	-114.84
HE736	149+39.64	-143.60
TLE725	149+68.08	-334.07
HE604	150+27.35	138.40
PRW519	150+89.37	-137.71
TLE734	151+50.35	-114.37
PRW520	152+00.00	-94.00
TLE735	153+98.48	-84.57
SC1006	155+56.37	7.81
ERW601	155+38.49	128.24
PRW521	155+97.60	-73.41
ERW603	159+56.76	-83.70
TLE703	161+01.93	-72.10
PRW522	159+96.08	-71.00
BD1007	162+02.62	2.67
TLE706	164+37.14	86.05
SC1008	119+50.00	-48.55

NOTES:

POSITIONS ON THIS PLAT ARE WISCONSIN COUNT COORDINATES, GRID BEARINGS, AND GRID DISTAN

EXISTING RIGHT-OF-WAY WAS RE ESTABLISHED UNI ESTATES SUBDIVISION PLAT AND DEEDS OF RECOI

ALL NEW RIGHT-OF-WAY MONUMENTS WILL BE TYI COMPLETION OF THE PROJECT.

ALL RIGHT-OF-WAY LINES DEPICTED IN THE NON-/ PREVIOUS PROJECTS, OTHER RECORDED DOCUMENT

RIGHT-OF-WAY BOUNDARIES ARE DEFINED WITH CO SYSTEM OR OTHER "SURVEYS" OF PUBLIC RECORD

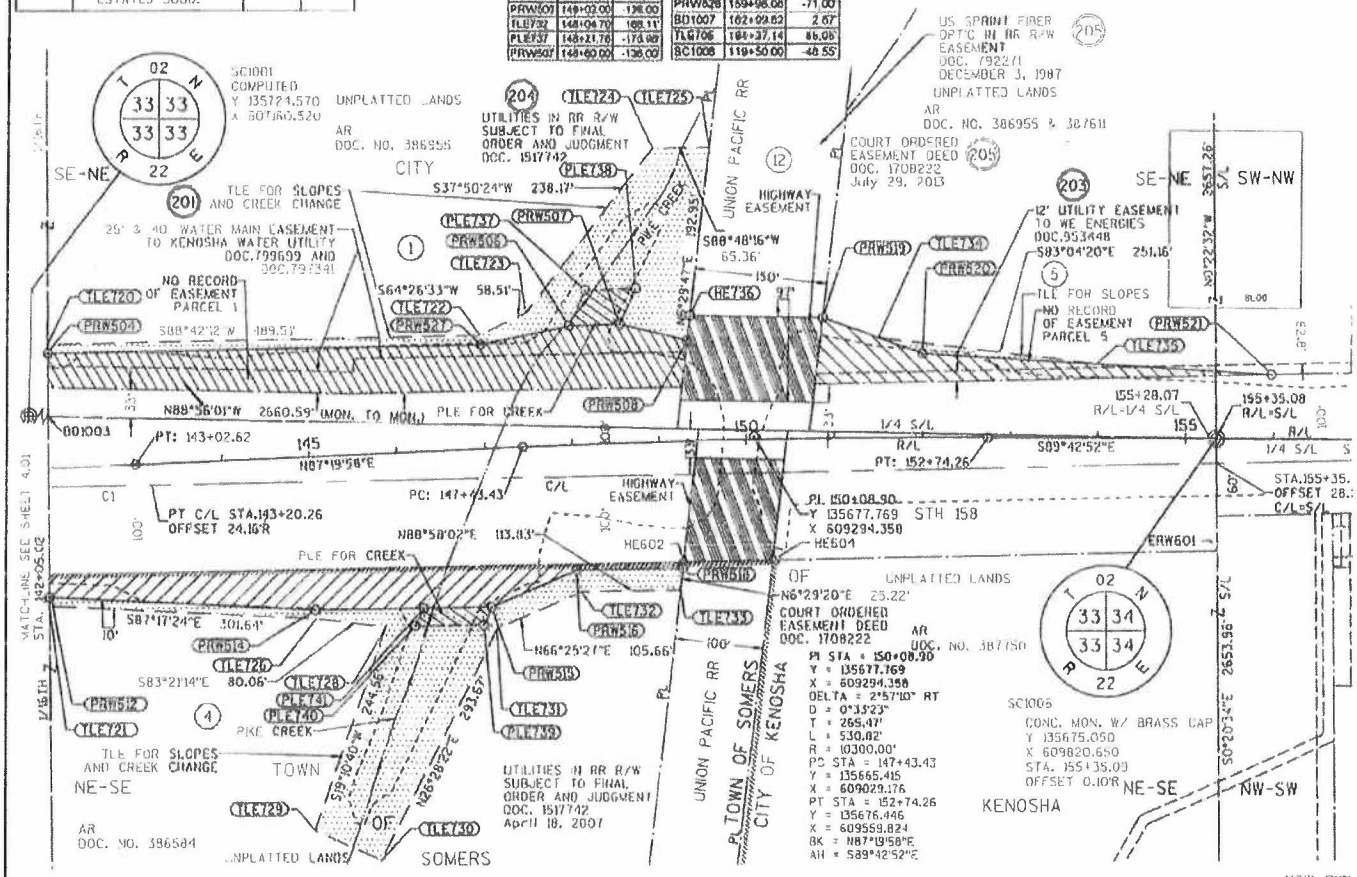
DIMENSIONING FOR THE NEW RIGHT-OF-WAY IS MEA

A TEMPORARY LIMITED EASEMENT (TLE) IS A RIGI EQUIPMENT THEREON, THE RIGHT OF INGRESS AND PROJECT, REMOVE, OR PLANT THEREON ANY VEGE THE COMPLETION OF THE CONSTRUCTION PROJECT

A PERMANENT LIMITED EASEMENT (PLE) IS A RIGI OPERATE NECESSARY EQUIPMENT THEREON AND T RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLAN PREJUDICE TO THE OWNER'S RIGHTS TO MAKE I WILL NOT IMPAIR OR OTHERWISE ADVERSELY AFFE

AN EASEMENT FOR HIGHWAY PURPOSES (HE), AS I VEGETATION THAT THE HIGHWAY AUTHORITIES MAY

PROPERTY LINES SHOWN ON THIS PLAT ARE DRAW OCCUPATIONAL LINES. THIS PLAT MAY NOT BE A USED AS A SUBSTITUTE FOR AN ACCURATE FIELD



CONVENTIONAL SYMBOLS AND ABBREVIATIONS

STATE, COUNTY, OR TOWN LINE	NO ACCESS (BY STATUTORY AUTHORITY)	ACCESS POINT / DRIVEWAY CONNECTION	AP
SECTION LINE	FEE (WIDTH VARIES)	ACCESS RIGHTS	AR
QUARTER LINE	TEMPORARY LIMITED EASEMENT	ACRES	AC.
MERIDIAN LINE	PERMANENT LIMITED EASEMENT	AND OTHERS	ET AL
PROPOSED REFERENCE LINE	PARCEL NUMBER	CENTERLINE	C/L
PROPOSED R/W LINE	UTILITY PARCEL NUMBER	CERTIFIED SURVEY MAP	CSM
EXISTING R.E. LINE	SIGN NUMBER (OFF PREMISES)	DOCUMENT	DOC
PROPERTY LINE	BUILDING	HIGHWAY EASEMENT	HE
EASEMENT LINE	FOUND IRON PIPE/PIN	LAND CONTRACT	LC
CORPORATE LIMITS	R/W MONUMENT	MONUMENT	MON
EXISTING CENTERLINE	R/W CORNER MONUMENT	PAGE	P
LOT & RE LINES	SIGN	PERMANENT LIMITED EASEMENT	PLE
DITCHES	SECTION CORNER SW/COR	PROPERTY LINE	PL
NO ACCESS (BY PRIVATE ACQUISITION/CONTROL)		RECORDED AS	RDD
NO ACCESS (BY ACQUISITION)		REFERENCE LINE	R/L
		REMONUMENT	REM
		RIGHT OF WAY	R/W
		SECTION	SEC.
		SQUARE FEET	SQ.FT.
		STATION	STA.
		TEMPORARY LIMITED EASEMENT	TLE
		VOLUME	V

CURVE DATA

LONG CHORD	LCH
LONG CHORD BEARING	LCB
RADIUS	R
DEGREE OF CURVE	D
CENTRAL ANGLE OR DELTA	DELTA
LENGTH OF CURVE	L
TANGENT	TAN

NON COMPENSABLE | COMPENSABLE

POWER POLE	A	●
TELEPHONE POLE	⊕	○
TELEPHONE PEDESTAL	☎	✕

NEW RIGH

POINT-POINT	BEARING	DIST
SC1006 ERW601	S00° 20' 34"E	
ERW601-ERW602	S88° 48' 16"W	
ERW602-PRW518	S06° 29' 20"W	
PRW518-PRW516	S88° 58' 02"W	
PRW516 PRW515	S66° 25' 21"W	
PRW515 PRW514	S89° 05' 36"W	
PRW514-PRW512	N87° 17' 24"W	
PRW512 BD1003	N00° 53' 22"W	
BD1003 PRW504	N00° 26' 25"W	
PRW504 PRW527	N86° 49' 28"E	
PRW527 ERW606	N78° 01' 55"E	

SCALE

TOTAL NET LENGTH OF C

TES, KENOSHA COUNTY, NAD 83 (2007) IN U.S. SURVEY FEET. VALUES SHOWN ARE GRID ISTANCES MAY BE USED AS GROUND DISTANCES.

T: PLAT OF RIGHT OF WAY PROJECT S 0858 (4), SG 0858 (2), SG 0858 (3), INDIAN TRAIL

ALLY 3/4" X 24" REBAR), UNLESS OTHERWISE NOTED, AND WILL BE PLACED PRIOR TO THE

AREAS ARE INTENDED TO RE-ESTABLISH EXISTING RIGHT-OF-WAY LINES AS DETERMINED FROM CENTERLINE OF EXISTING PAVEMENTS.

HE PERIMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY

NG AND PERPENDICULAR TO THE NEW REFERENCE LINES.

STRUCTION PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY S LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE, INCLUDING THE RIGHT TO PRESERVE, IT THE HIGHWAY AUTHORITIES MAY DEEM DESIRABLE. ALL (TLEs) ON THIS PLAT EXPIRE AT THIS INSTRUMENT IS GIVEN.

STRUCTION AND MAINTENANCE PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE, INCLUDING THE ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY DEEM DESIRABLE, BUT WITHOUT CT IMPROVEMENTS ON SAID LANDS OR TO FLATTEN THE SLOPES, PROVIDING SAID ACTIVITIES WAY FACILITIES.

USED, INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY RABLE.

TA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR EXISTING SENTATION OF EXISTING PROPERTY LINES, EXCLUDING RIGHT-OF-WAY, AND SHOULD NOT BE

R/W PROJECT NUMBER	SHEET NUMBER	TOTAL SHEETS
3220-09-20		
CONSTRUCTION PROJECT NUMBER	4.02	
3220-09-70		

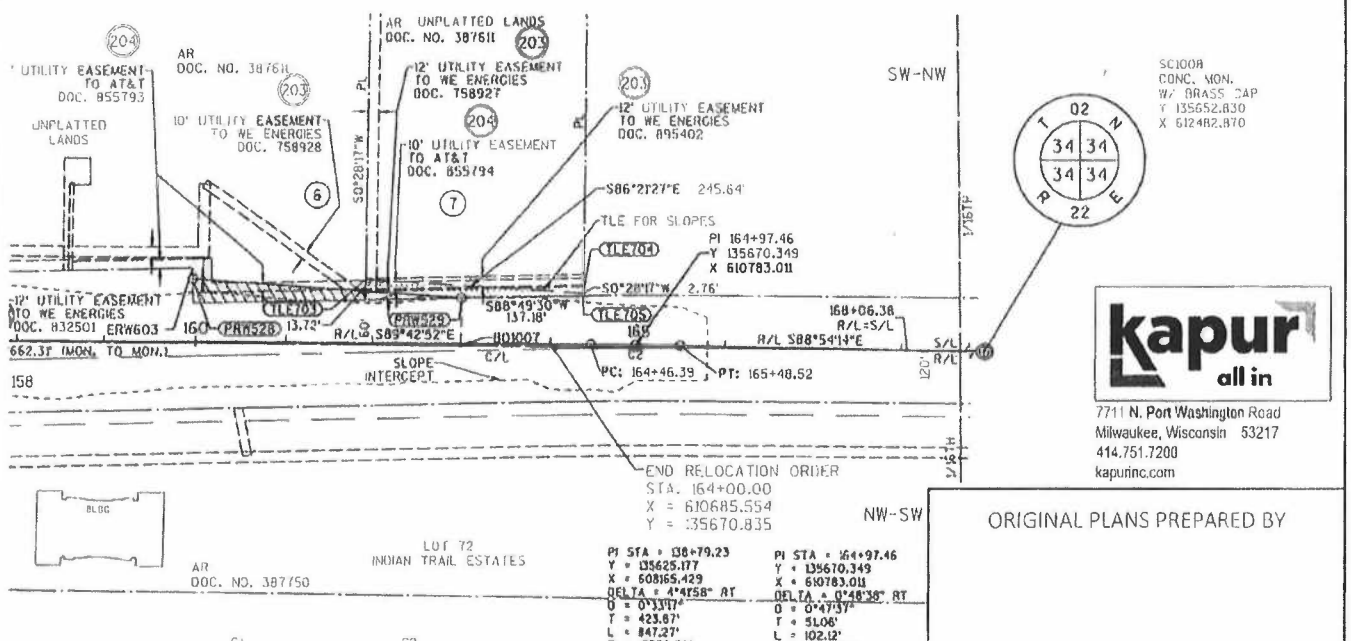
PLAT OF RIGHT OF WAY REQUIRED FOR

STH 158

RAILROAD BRIDGES B-30-02 & B30-03

STH 158	KENOSHA COUNTY

GN



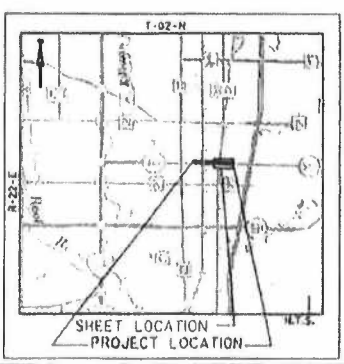
C1	C2
L=650.00'	L=166.67'
LC=649.91'	LC=166.66'
R=11459.16'	R=5729.58'
LCB=S89°34'14"E	LCB=N89°38'16"E

PI STA = 138+79.23	PI STA = 164+97.46
Y = 135625.177	Y = 135670.349
X = 608165.429	X = 610783.011
DELTA = 4°47'58" RT	DELTA = 0°46'38" RT
D = 0°33'07"	D = 0°47'37"
T = 423.67'	T = 51.06'
L = 847.27'	L = 102.12'
R = 10330.00'	R = 7220.00'
PC STA = 134+55.35	PC STA = 164+46.39
Y = 135640.208	Y = 135670.603
X = 607741.824	X = 610731.248
PT STA = 143+02.62	PT STA = 165+48.52
Y = 135644.902	Y = 135669.372
X = 608588.840	X = 610834.054
BK = S87°58'04"E	BK = S89°42'52"E
AH = N87°19'58"E	AH = S88°54'14"E

COURSE TABLE

POINT-POINT	BEARING	DIST.
PRW506-PRW507	N87° 49' 12"E	58.77'
PRW507-PRW508	S76° 23' 18"E	79.59'
PRW508-HE736	N05° 29' 47"E	29.05'
HE736-PRW519	S88° 56' 01"E	150.68'
PRW519-PRW520	S70° 08' 52"E	120.36'
PRW520-PRW521	S86° 30' 23"E	398.91'
PRW521-ERW603	N88° 48' 16"E	398.29'
ERW603-PRW528	S01° 11' 44"E	12.11'
PRW528-PRW529	S86° 03' 13"E	304.54'
PRW529-B01007	S00° 28' 12"W	54.22'
B01007-SC1006	N09° 31' 18"W	764.74'

200



kapur all in
7711 N. Port Washington Road
Milwaukee, Wisconsin 53217
414.751.7200
kapurinc.com

ORIGINAL PLANS PREPARED BY

WISCONSIN BRIAN M. DODGE S-2848 WAUKESHA WI LAND SURVEYOR

JULY 07, 2020 (Date)

Brian M. Dodge

BRIAN M. DODGE
KAPUR & ASSOCIATES
P.L.S. NUMBER 2848

REVISION DATE

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

APPROVED FOR THE DEPARTMENT

DATE: 07/06/20 Robert J. Duffke (Signature)

PLOT BY: BRIAN DODGE, PS PLOT NAME:

*ACCESS RESTRICTION AND ACCESS POINTS ACQUIRED UNDER PLAT OF RIGHT OF WAY PROJECTS:
S 0858(4)
S6 0858(2)
S6 0858(3)

NOTES:

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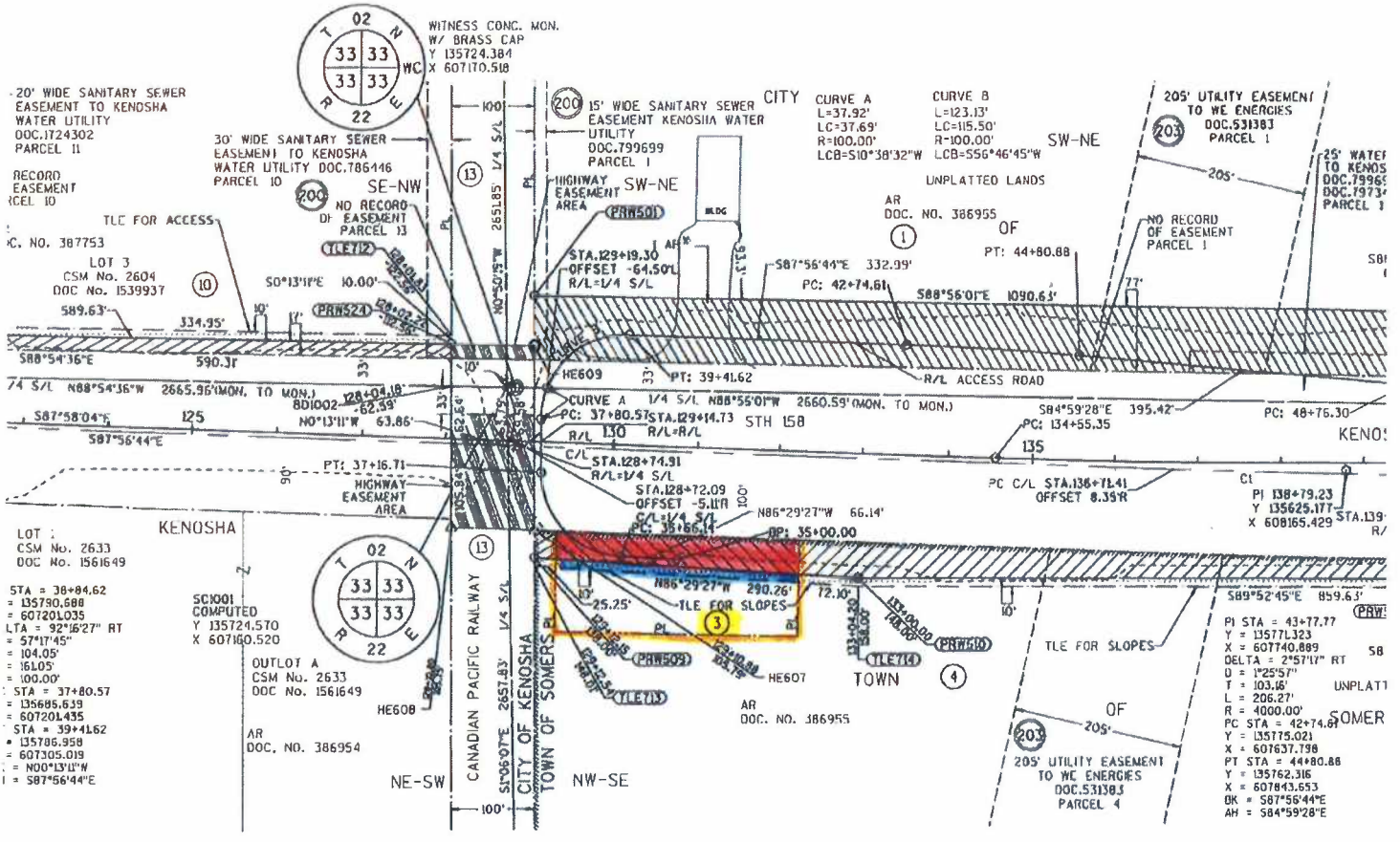
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NEW RIGHT OF WAY COURSE TABLE

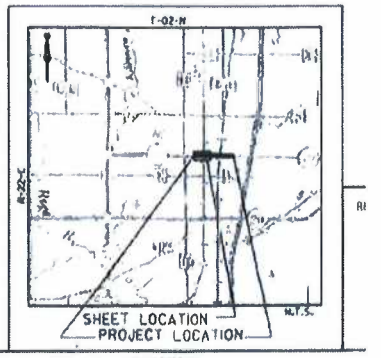
POINT-POINT	BEARING	DIST.
SC1006-BD1003	N88° 56' 01"W	1330.30'
BD1003-PRW512	S00° 43' 22"E	206.30'
PRW512-PRW511	N87° 17' 24"W	52.36'
PRW511-PRW510	N89° 52' 45"W	859.56'
PRW510-PRW509	N86° 29' 27"W	387.98'
PRW509-HE607	N00° 13' 11"W	32.23'
HE607-HE608	N87° 56'44"W	100.07'
HE608-BD1002	N00° 13' 11"W	168.47'
BD1002-BD1008	N88° 54' 36"W	853.71'

POINT-POINT	BEARING	DIST.
BD1008-PRW517	N01° 05' 24"E	36.04'
PRW517-PRW522	N85° 36' 44"E	146.84'
PRW522-PRW524	S88° 54' 36"E	706.39'
PRW524-HE609	S88° 54' 36"E	100.03'
HE609-PRW501	N00° 13' 11"W	60.03'
PRW501-PRW503	S88° 56' 01"E	1090.64'
PRW503-PRW525	S73° 56' 46"E	154.86'
PRW525-PRW504	N88° 48' 28"E	57.69'
PRW504-BD1003	S00° 36' 25"E	72.25'

NECTION	AP	SQUARE FEET	SQ.FT.
		STATION	STA
	AR	TEMPORARY LIMITED EASEMENT	TLE
	AC	VOLUME	V
	ET.AL	CURVE DATA	
	C/L		
EY MAP	CSM	LONG CHORD	LCH
	DOC	LONG CHORD BEARING	LCB
IENT	H.E	RADIUS	R
r	LC	DEGREE OF CURVE	D
	MON.	CENTRAL ANGLE OR DELTA	DELTA
	P	LENGTH OF CURVE	L
ITED EASEMENT	PLE	TANGENT	TAN
	PL	NON COMPENSABLE	COMPENSABLE
	(100')	POWER POLE	
	R/L	TELEPHONE POLE	
	REM	TELEPHONE PEDESTAL	
	R/W		
	SEC.		

LAYOUT
SCALE 0 200

TOTAL NET LENGTH OF CENTERLINE -



PLOT DATE : 7/2/2020 9:06 AM PLOT BY : BRIAN DODGE, PS PLOT NAME :

*ACCESS RESTRICTION AND ACCESS POINTS ACQUIRED UNDER PLAT OF RIGHT OF WAY PROJECTS:
S 0858(4)
SG 0858(2)
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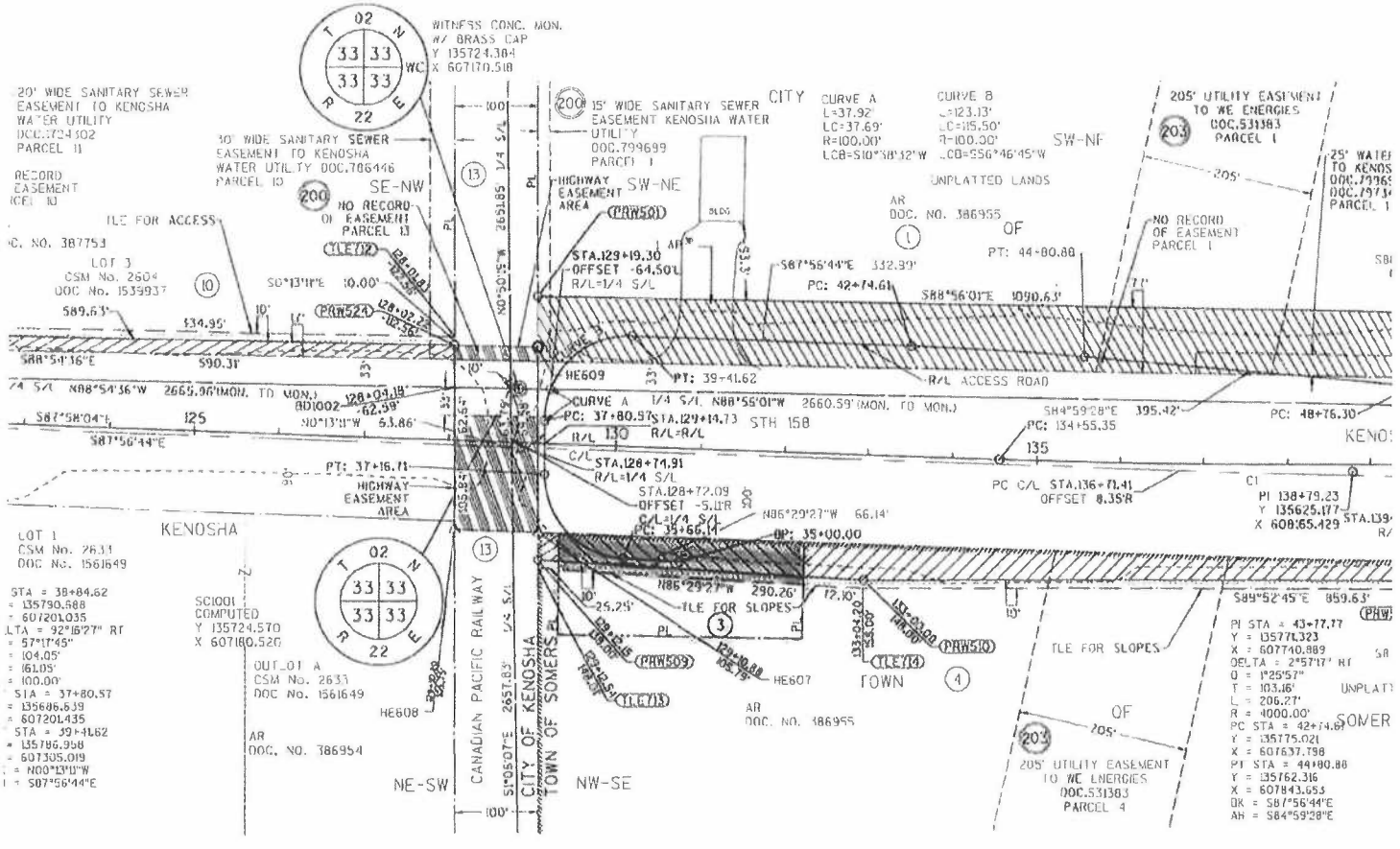
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NEW RIGHT OF WAY COURSE TABLE

POINT-POINT	BEARING	DIST.
SC1006-BD1003	N88° 56' 01"W	1330.30'
BD1003-PRW512	S00° 43' 22"E	206.30'
PRW512-PRW511	N87° 17' 24"W	52.36'
PRW511-PRW510	N89° 52' 45"W	859.56'
PRW510-PRW509	N86° 29' 27"W	307.98'
PRW509-HE607	N00° 13' 11"W	32.23'
HE607-HE608	N87° 56'44"W	100.07'
HE608-BD1002	N00° 13' 11"W	168.47'
BD1002-BD1008	N88° 54' 36"W	853.71'

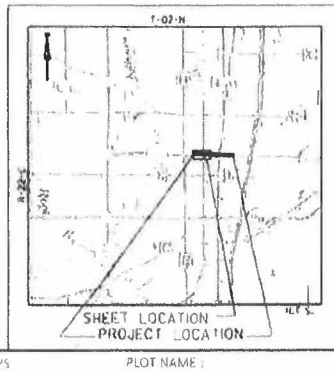
POINT-POINT	BEARING	DIST.
BD1008-PRW517	N01° 05' 24"E	36.04'
PRW517-PRW522	N85° 36' 14"E	145.84'
PRW522-PRW524	S88° 54' 36"E	706.39'
PRW524-HE609	S08° 54' 36"E	100.03'
HE609-PRW501	N00° 13' 11"W	60.03'
PRW501-PRW503	S80° 56' 01"E	1040.64'
PRW503-PRW525	S73° 56' 46"E	154.86'
PRW525-PRW504	N88° 48' 28"E	57.69'
PRW504-BU1003	S00° 36' 25"E	72.25'

SECTION	SEC	SQUARE FEET	SQ FT
		STATION	STA
	AR	TEMPORARY LIMITED EASEMENT	TLE
	AC	VOLUME	V
	ET AL	CURVE DATA	
	O/A		
CY MAP	CSM	LONG CHORD	LCH
	DOC	LONG CHORD BEARING	LCB
	HE	RADIUS	R
MENT	LC	DEGREE OF CURVE	D
T	MON	CENTRAL ANGLE OR DELTA	DELTA
	P	LENGTH OF CURVE	L
		TANGENT	TAN
LIMITED EASEMENT	PLE		NON COMPENSABLE / COMPENSABLE
	PL	POWER POLE	○ / ●
	(100')	TELEPHONE POLE	⌀ / ⌀
	R/L	TELEPHONE PEDESTAL	▯ / ▣
	REM		
	R/W		
	SEC		

LAYOUT

SCALE 0 200

TOTAL NET LENGTH OF CENTERLINE =



PLOT DATE : 7/2/2020 9:06 AM PLOT BY : BRIAN DODGE, PS PLOT NAME :

LEGAL DESCRIPTION

Fee Title in and to the following tract of land in Kenosha County, State of Wisconsin, described as:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 02 North, Range 22 East, described as follows:

Commencing at the Northwest corner of said Southeast 1/4; thence South 88°56'01" East along the north line of said Southeast 1/4, 32.78 feet; thence South 00°13'11" East, 170.17 feet to the south right of way line; thence South 87°56'44" East along the south right of way line, 26.18 feet to the point of beginning; thence continuing South 87°56'44" East, 290.04 feet; thence South 01°03'59" West, 40.23 feet; thence North 86°29'27" West, 290.26 feet; thence North 01°03'59" East, 32.86 feet to the point of beginning.

This parcel contains **0.243 acres**, more or less.

Also, a **Temporary Limited Easement** for the right to construct slopes, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable, in and to the following tract of land in Kenosha, State of Wisconsin, described as:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 02 North, Range 22 East, described as follows:

Commencing at the Northwest corner of said Southeast 1/4; thence South 88°56'01" East along the north line of said Southeast 1/4, 32.78 feet; thence South 00°13'11" East, 202.40 feet to the south right of way line; thence South 86°29'27" East along the south right of way line, 25.48 feet to the point of beginning; South 86°29'27" East, 290.26 feet; thence; thence South 01°03'59" West, 10 feet; thence North 86°29'27" West, 290.26 feet; thence North 01°03'59" East, 10 feet to the point of beginning.

This parcel contains **0.067 acres**, more or less.

The above easement is to terminate upon the completion of this project or on the day the highway is open to the traveling public, whichever is later.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE - SHORT FORM

Wisconsin Department of Transportation
RE1895 10/2018

THIS AGREEMENT, made and entered into by and between Kenosha County, hereinafter called Seller, and the Wisconsin Department of Transportation. If accepted, this offer can create a legally enforceable contract. Both parties should read this document carefully and understand it before signing.

Seller and the Wisconsin Department of Transportation agree that the Wisconsin Department of Transportation is purchasing this property for highway or other transportation related purposes, within the meaning of Chapter 84 of the Wisconsin Statutes.

Seller warrants and represents to the Wisconsin Department of Transportation that Seller has no notice or knowledge of any of the following:

1) Planned or commenced public improvements which may result in special assessments which would otherwise materially affect the property, other than the planned transportation facility for which the Wisconsin Department of Transportation is purchasing this property;

2) Government agency or court order requiring repair, alteration, or correction of any existing condition;

3) Shoreland or special land use regulations affecting the property; and,

4) Underground storage tanks and the presence of any dangerous or toxic materials or conditions affecting the property.

DESCRIPTION: The Seller agrees to sell and the Wisconsin Department of Transportation agrees to buy, upon the terms and conditions hereinafter named, the following described real estate situated in Kenosha County, Wisconsin:

Legal description is attached hereto and made a part hereof by reference.

The purchase price of said real estate shall be the sum of Two Thousand Eight Hundred and 0/100 Dollars, ($2,800.00) payable in full by check at closing.

General taxes shall be prorated at the time of closing based on the net general taxes for the current year, if known, otherwise on the net general taxes for the preceding year.

Seller shall, upon payment of purchase price, convey the property by warranty deed or other conveyance provided herein, free and clear of all liens and encumbrances, including special assessments, except recorded public utility easements and recorded restrictions on use running with the land or created by lawfully enacted zoning ordinances and None, provided none of the foregoing prohibit present use.

Legal possession of premises shall be delivered to the Wisconsin Department of Transportation on the date of closing.

Physical occupancy of property shall be given to the Wisconsin Department of Transportation on the date of closing. Seller may not occupy property after closing unless a separate lease agreement is entered into between the Wisconsin Department of Transportation and Seller.

SPECIAL CONDITIONS: None

This agreement is binding upon acceptance by the Wisconsin Department of Transportation as evidenced by the signature of an authorized representative of the Wisconsin Department of Transportation. If this agreement is not accepted by the Wisconsin Department of Transportation within 30 days after Seller's signature, this agreement shall be null and void.

This transaction is to be closed at the office of TBD on or before TBD or at such other time and place as may be agreed to in writing by the Seller and the Wisconsin Department of Transportation.

No representations other than those expressed here, either oral or written, are part of this sale.

Seller and the Wisconsin Department of Transportation agree to act in good faith and use diligence in completing the terms of this agreement. This agreement binds and inures to the benefit of the parties to this agreement and their successors in interest, assigns, personal representatives, heirs, executors, trustees, and administrators.

Seller Signature Date

Kenosha County
Print Name

Seller Signature Date

Print Name

Seller Signature Date

Print Name

Seller Signature Date

Print Name

The above agreement is accepted.

Signature Date

Print Name

Title

Must be signed by administrator or an authorized representative of the Wisconsin Department of Transportation.

LEGAL DESCRIPTION

Fee Title in and to the following tract of land in Kenosha County, State of Wisconsin, described as:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 02 North, Range 22 East, described as follows:

Commencing at the Northwest corner of said Southeast 1/4; thence South 88°56'01" East along the north line of said Southeast 1/4, 32.78 feet; thence South 00°13'11" East, 170.17 feet to the south right of way line; thence South 87°56'44" East along the south right of way line, 26.18 feet to the point of beginning; thence continuing South 87°56'44" East, 290.04 feet; thence South 01°03'59" West, 40.23 feet; thence North 86°29'27" West, 290.26 feet; thence North 01°03'59" East, 32.86 feet to the point of beginning.

This parcel contains **0.243 acres**, more or less.

Also, a **Temporary Limited Easement** for the right to construct slopes, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable, in and to the following tract of land in Kenosha, State of Wisconsin, described as:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 02 North, Range 22 East, described as follows:

Commencing at the Northwest corner of said Southeast 1/4; thence South 88°56'01" East along the north line of said Southeast 1/4, 32.78 feet; thence South 00°13'11" East, 202.40 feet to the south right of way line; thence South 86°29'27" East along the south right of way line, 25.48 feet to the point of beginning; South 86°29'27" East, 290.26 feet; thence; thence South 01°03'59" West, 10 feet; thence North 86°29'27" West, 290.26 feet; thence North 01°03'59" East, 10 feet to the point of beginning.

This parcel contains **0.067 acres**, more or less.

The above easement is to terminate upon the completion of this project or on the day the highway is open to the traveling public, whichever is later.

WARRANTY DEED

Wisconsin Department of Transportation
Exempt from fee [s. 77.25(2r) Wis. Stats.]
RE1560 05/2020

THIS DEED, made by **Kenosha County** GRANTOR, conveys and warrants the property described below to the **Wisconsin Department of Transportation**, GRANTEE, for the sum of **Two Thousand Eight Hundred and 00/100 Dollars ($2,800.00)**.

Any person named in this deed may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s. 32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property:

This is not homestead property.

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS DOCUMENT BY REFERENCE.

This space is reserved for recording data

Return to
Wisconsin Department of Transportation
WisDOT SE Region 141 NW Barstow Street
Waukesha, WI 53187-0798

Parcel Identification Number/Tax Key Number
80-4-222-334-0300

Signature Date

Kenosha County
Print Name

Signature Date

Print Name

Signature Date

Print Name

Signature Date

Print Name

Date Commission Expires

Date

State of Wisconsin)
) ss.
Kenosha County)

On the above date, this instrument was acknowledged before me by the named person(s).

The signer was: ____ Physically in my presence. OR

____ In my presence involving the use of communication technology.

Signature, Notary Public, State of Wisconsin

Print Name, Notary Public, State of Wisconsin

Project ID	This instrument was drafted by	Parcel No.
3220-09-20	Wisconsin Department of Transportation	3

OJ895348

DocuSign Envelope ID: 1BD33198-0D0B-4AC7-BF3D-300CFC3BEECB

COUNTY OF KENOSHA

Division of Planning & Development

Andy M. Buehler, Director
Division of Planning & Development
19600 75th Street, Suite 185-3
Bristol, WI 53104-9772
(262) 857-1895

M E M O R A N D U M

Communication to Kenosha County Board of Supervisors
(For Informational Purposes Only)

As required by Section 59.69(2)(e), the following report is being made on the petitions to the **October 13, 2021** Planning, Development & Extension Education Committee meeting that have been filed in the Kenosha County Clerk & Kenosha County Planning & Development Offices for future consideration by the County Board.

1. **John P. Lourigan Trust**, 844 172nd Ave., Union Grove, WI 53182 (Owner), John P. Lourigan, 844 172nd Ave., Union Grove, WI 53182 (Agent), requesting a **Final Plat** of Foxtail Hollow on Tax Parcel #45-4-221-091-0314, located in the east ½ of Section 9, T2N, R21E, Town of **Paris**.

2. **Wisconsin Electric Power Co.**, 333 W. Everett St. Milwaukee, WI 53203-0001 (Owner), Bobby Anderson, American Transmission Co., PO Box 47, Waukesha, WI 53187 (Agent), requesting a **rezoning** from A-1 Agricultural Preservation Dist., A-2 General Agricultural Dist., I-1 Institutional Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., A-2 General Agricultural Dist., I-1 Institutional Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #45-4-221-041-0225, located in the northeast ¼ of Section 4 and the northwest ¼ of Section 3, T2N, R21E, Town of **Paris**.

3. **Wisconsin Electric Power Co.**, 333 W. Everett St. Milwaukee, WI 53203-0001 (Owner), Bobby Anderson, American Transmission Co., PO Box 47, Waukesha, WI 53187 (Agent), requesting to amend a **Conditional Use Permit** to allow an expansion to an electrical substation in the I-1 Institutional Dist. on part of Tax Parcel #45-4-221-041-0225, located in the northeast ¼ of Section 4 and the northwest ¼ of Section 3, T2N, R21E, Town of **Paris**.

4. Approval of Minutes

5. Citizens Comments

6. Any Other Business Allowed by Law

7. Adjournment

Sincerely,

DocuSigned by:
Andy M. Buehler
5E5F88199951407...

ANDY M. BUEHLER, Director
Division of Planning & Development

AMB:BF:aw

FILED
08-27-2021
Clerk of Circuit Court
Kenosha County
2021CV000786
Honorable Angelina Gabriele
Branch 6

STATE OF WISCONSIN **CIRCUIT COURT**
KENOSHA COUNTY

BILL E. BETH
c/o MacGillis Wiemer, LLC
11040 W. Bluemound Road, Suite 100
Milwaukee, WI 53226,

Petitioner,

vs.

KENOSHA COUNTY
1010 56th Street
Kenosha, WI 53140

and

KENOSHA COUNTY FINANCE/ ADMINISTRATION COMMITTEE
County Administration Building
1010 56th Street, Second Floor
Kenosha, WI 53140,

Respondents.

Case No:
Case Code: 30955
Case Type: Petition for Writ of Certiorari

RECEIVED
SEP 16 2021
REGI BACHOCHIN
COUNTY CLERK
12:33pm

PETITION AND COMPLAINT FOR REVIEW BY CERTIORARI

NOW COMES the above-named Petitioner, Bill E. Beth, by his attorneys MacGillis Wiemer, LLC, by Attorney Christopher J. MacGillis and Attorney Kevin P. Todt, who shows and alleges to the Court as follows:

1. The Petitioner, Bill E. Beth ("Beth"), is an adult resident of Kenosha County and was employed as a Sergeant at the Kenosha County Sheriff's Office ("Sheriff's Office").

2. Respondent, Kenosha County (the "County") is a municipal corporation, organized and existing under the laws of the State of Wisconsin with offices located at 1010 56th Street, Kenosha, WI 53140, and can be reached via telephone at (262) 653-2460.

3. Respondent, Kenosha County Finance/Administration Committee ("Committee") is an administrative board of the County established pursuant to Wis. Stat. §§ 63.10 and 63.12, having jurisdiction over certain appeals of discipline recommended by Kenosha County Sheriff David Beth.

4. Beth was promoted to Captain of the Sheriff's Office in 2019 and was assigned to serve as Captain of the Detentions Division.

5. During the time Beth was serving as Captain of Detentions, an internal investigation was opened against the Captain of the Operations Division related to supervisor time off.

6. As a result of the investigation referenced in Paragraph 5, Beth was assigned to serve as Captain of the Operations Division on January 3, 2021.

7. In the course of his duties as Captain of the Operations Division, Beth attempted to codify the practice of the Department related to off days for supervisors due to widespread uncertainty among the supervisors.

8. Kenosha County Chief Deputy Marc Levin ("Chief Deputy Levin") filed charges against Beth, then-Captain Bill Beth, with the Committee Chair on May 6, 2021 alleging misconduct stemming from Beth's actions identified in Paragraph 7. The charges were served on Beth May 14, 2021 and Petitioner requested an appeal with the Committee that same day.

9. The charges filed against Petitioner by Chief Deputy Levin are as follows:

Kenosha County Sheriff's Departmental Policies:

- Policy 101 Standards of Conduct:
  - 101.3.1 Unlawful or Conflicting Orders;
  - 101.4(c), (d), (e) Direct Lines of Reporting - Chain of Command;
  - 101.5(a), (c), (e) Supervisory Responsibilities;
  - 101.7.1(a), (b), (c) Laws, Rules and Orders;
  - 101.8.2(a), (b), (c) Efficiency;
  - 101.8.3(a), (c) Performance; and
  - 101.8.4(h), (o) Conduct.
- Policy 110 Investigations:

  - 110.4.2(k) Internal Affairs Investigation Interviews.
- Policy 118 Leave Time and Scheduling.

Kenosha County Civil Service Ordinances:
- MCKC § 4.01(6)(a):
  - 4. Insubordination;
  - 5. Neglect or dereliction of duty;
  - 6. Willful neglect or disobedience of any legal order of superior officers or legal departmental rule;
  - 8. Conduct that adversely affects the morale or efficiency of the Sheriff's Department;
  - 10. Conduct that has a tendency to destroy, or distract from the officer's credibility as a witness in court;
  - 13. Making a false official statement or entry in official records; and
  - 21. Any other act or omission contrary to good order and discipline, or constituting a violation of any of the rules and regulations of the department.

Kenosha County Code of Conduct:
- 1. Behavior that is unprofessional, disrespectful, unethical or discourteous with coworkers, managers, clients, vendors, or to the citizens of Kenosha County or not reporting same to management;
- 2. Insubordination, refusing to follow direction from a supervisor or manager, or making false statements;
- 3. Performance that is not meeting expectations and/or not satisfactorily fulfilling job responsibilities including not completing assignments within expected timeframe;
- 4. Violating any federal or state law or codes, local ordinances, and any regulations that govern their respective departments;
- 14. Sabotaging another's work or intentionally causing delay of work; either employee's own of that or others or causing disruption in the workplace;
- 17. Making malicious, false and harmful statements about others; and
- 23. Falsifying or intentionally misrepresenting records, statements, claims or reports, including employee's own time records or the time records of another employee.

Captain Position Description:
- The rank of Captain is responsible for exercising "seasoned judgment," assisting in the formulation of Departmental policies and procedures, and ensuring that County and Departmental rules, regulations, and policies are enforced at all times.

10. Prior to the above charges, Beth's record lacked any significant previous disciplines during his 25 years of service with the Sheriff's Office.

11. Petitioner asserts that the charges brought against him by Chief Deputy Levin are unsupported by the factual record and/or legal standards.

12. Based on the charges alleged by Chief Deputy Levin, Chief Deputy Levin incorrectly found that there was just cause to reduce Beth's rank from Captain to Sergeant.

13. As stated in paragraph 8, Beth immediately and timely requested an appeal to the Committee.

14. The seven-member Committee heard and decided the appeal. The Committee submitted a Decision on June 22, 2021, after hearings and deliberations were held on June 2, June 3, June 8, June 14, and June 16, 2021. The Chair of the Committee filed a Dissent from the Decision on June 22, 2021. A copy of the Decision, the Chair's Dissent, and the cover letter dated June 23, 2021, are attached as **Exhibit A.**

15. The Committee's Decision incorrectly concluded that Beth had violated the Department Policies, the Civil Service Ordinance, and the County Code of Conduct as charged by Chief Deputy Levin.

16. The Committee's Decision incorrectly concluded that Chief Deputy Levin had proven, by a preponderance of the evidence, that the Seven Tests of Just Cause—as defined in Wis. Stat. § 59.26(8)(b)5m—were met as to the specified charges against Beth.

17. The Committee's Decision should be reversed because there is not sufficient evidence demonstrating just cause—as defined in Wis. Stat. § 59.26(8)(b)5m—to sustain the charges against Beth.

18. The Committee proceeded on an incorrect theory of law, exceeded its jurisdiction, lacked sufficient evidence to reach its decision, and acted in an arbitrary, oppressive, and unreasonable manner representing its will and not its judgment by:

a. Demoting Beth when demotion was not proper;

b. Making findings that were not supported by the record; and

c. Ordering a penalty which was excessive and unreasonable.

WHEREFORE, the Petitioner requests that the court review the proceedings of the Board as set forth in this Complaint and enter Judgment:

a. Reversing the Committee's decision;

b. Providing back pay to the Petitioner for the reduction in compensation when demoted to Sergeant;

c. Reinstating Petitioner to the position of Captain within the Sheriff's Office; and

c. For such other relief as the court deems just and proper.

Dated at Milwaukee, Wisconsin, this 27th day of August, 2021.

MacGILLIS WIEMER, LLC
Attorneys for the Petitioner, Bill Beth



Christopher J. MacGillis
State Bar No. 1068944
Kevin P. Todt
State Bar No. 1097341

This Document Drafted By:
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COUNTY OF KENOSHA

Joseph M. Cardamone III
Corporation Counsel

Jennifer Kopp
First Assistant

John Moyer
Senior Assistant

Matthew Perz
Senior Assistant

Courthouse
912 – 56th Street, LL13
Kenosha, WI 53140-3747
(262) 925-8020
Fax: (262) 925-8028

June 23, 2021

Sergeant Bill Beth
3160 136th Avenue
Kenosha, WI 53140

SENT VIA CERTIFIED MAIL

Re: Decision of Grievance Committee

Dear Sergeant Beth:

In my capacity as the Secretary for the Grievance Committee hearing your appeal of the discipline imposed by Chief Deputy Marc Levin, I am enclosing a copy of the Committee's Findings and Order upholding that disciplinary decision.

Pursuant to § 59.26 (8)(b) 6, Wis. Stats., you may appeal from the Committee's order to the Circuit Court by serving written notice of the appeal on the Secretary of the Grievance Committee within ten (10) days after the order is filed, which is the date on the Order. Pursuant to Municipal Code of Kenosha County § 4.01 (6)(c) 10, any such appeal must be filed in writing with the Secretary of the Grievance Committee within ten (10) days after notice of the Committee's Order is served on you. I cannot give you legal advice as to how to harmonize these two provisions. I can advise that I will not object to a filing which comports with the later date contemplated by the ordinance. I cannot speak to whether the Circuit Court would find that jurisdiction was lost by a filing which did not comport with the terms of the statute.

Sincerely,

Joseph M. Cardamone III
Corporation Counsel

JC:ms

Cc Supervisor Terry Rose (via email)
Attorney Kyle Gulya (via email)
Attorney Kevin Todt (via email)
Chief Deputy Marc Levin, Kenosha County Sheriff's Department (via email)
Ms. Clara-Lin Tappa, Director of Human Resources (via email)

EXHIBIT
A

Before the Kenosha County Grievance Committee:
The Finance and Administration Committee

In the Matter of the Charges Filed Against:
CAPTAIN BILL BETH

By

KENOSHA COUNTY CHIEF DEPUTY
MARC LEVIN

FINDINGS AND ORDER

This matter came before the Kenosha County Finance and Administration Committee ("Committee"), designated by Municipal Code of Kenosha County (MCKC) § 4.01 (6)(c) 4 as the Grievance Committee as described under that section and under Wisconsin Statute § 59.26 (8)(b). All members of that committee (Chair Terry Rose, Supervisor Jeff Gentz, Supervisor Ronald J. Frederick, Supervisor Edward D. Kubicki, Supervisor Jeff Wamboldt, Supervisor Monica M. Yuhas and Supervisor John Franco) were present throughout the duration of the hearing and deliberations, which commenced on June 2, 2021, and continued on June 3, June 8, June 14, and June 16, to consider the charges filed by Kenosha County Chief Deputy Marc Levin against then Captain (now Sergeant) Bill Beth[1].

The charges were first filed with the Committee Chair on May 6 and received by the Committee on May 13, pursuant to MCKC § 4.01 (6)(c) 4 and § 59.26 (8)(b) 1, Wis. Stats. They were personally served on Captain Beth on May 14, 2021 and an appeal was requested on that same date. A prehearing conference was held telephonically with the Committee Chair on May

[1] At the time the events which led to this proceeding occurred, Bill Beth was a Captain with the Kenosha County Sheriff's Department. It is acknowledged and understood that as a result of these events, he was demoted to Sergeant, the rank held during this proceeding. In the interest of consistency and clarity, he will be referred to as Captain Beth throughout this Findings and Order.

17, 2021, at which Captain Beth was represented by Attorney Kevin Todt and Chief Deputy Levin was represented by Attorney Kyle Gulya. At that prehearing conference agreements were reached as to tentative scheduling and various procedural matters. When the hearing commenced, and throughout the taking of testimony, Chief Deputy Levin appeared in person, represented by Attorney Gulya. Captain Beth appeared in person, represented by Attorney Todt.

Chief Deputy Levin, through Attorney Gulya, presented testimony and other evidence during the hearing, which was subjected to cross examination by Captain Beth through Attorney Todt as well as questioning by members of the Committee. Captain Beth, through Attorney Todt, likewise presented testimony and other evidence during the hearing, which was subjected to cross examination by Chief Deputy Levin through Attorney Gulya as well as questioning by members of the Committee. Each parties' exhibits were entered into the record by stipulation. Further, the parties noted that there were no objections to the procedure, notice or scheduling of this matter. Witness testimony was concluded on June 16, 2021, and the Committee subsequently entered into deliberations.

SUMMARY OF CHARGES

In December 2020, Kenosha County commenced a broad investigation involving use of paid leave time by supervisory personnel within the Kenosha County Sheriff's Department related to use of special assignment days (S/A days, S Days, trade days) rather than using traditional vacation or sick leave. While this investigation was ongoing, Captain Beth, despite being aware of the existence of the investigation, met with subordinate supervisory personnel in January 2021 to develop a defined plan whereby salaried-exempt supervisors could trade time

worked on non-scheduled work time as time off for scheduled work time instead of using vacation time or PTO. He produced a memorandum which was shared with those subordinates, solicited their feedback on it and then further refined it and implemented it without receiving authorization from Sheriff David Beth or Chief Deputy Levin. During a meeting on February 9, 2021, Captain Beth presented this already implemented shift trade plan to Sheriff Beth, Chief Deputy Levin, and his fellow Captains, repeatedly and insubordinately pushing Sheriff Beth to consider it. When it was determined that trades had already been approved by Captain Beth under this plan, the County initiated an investigation into his actions. During that investigation, Captain Beth failed to be honest regarding his conduct, including falsely stating whether certain conversations had taken place.

As a result of that investigation, Chief Deputy Levin found that Captain Beth violated Kenosha County Sheriff's Departmental Policies, specifically:

- Policy 101 Standards of Conduct.
    - 101.3.1 Unlawful or Conflicting Orders
    - 101.4(c), (d), (e) Direct Lines of Reporting - Chain of Command
    - 101.5 (a), (c), (e) Supervisory Responsibilities
    - 101.7.1 (a), (b), (c) Laws, Rules and Orders
    - 101.8.2 (a), (b), (c) Efficiency
    - 101.8.3 (a), (c) Performance
    - 101.8.4 (h), (o) Conduct
- Policy 110 Investigations
    - 110.4.2(k) Internal Affairs Investigation Interviews

- Policy 118 Leave Time and Scheduling

It was further found that Captain Beth's conduct violated the professional standards identified in MCKC § 4.01 (6)(a), the Civil Service Ordinance:

- 4. Insubordination
- 5. Neglect or Dereliction of Duty
- 6. Willful neglect or disobedience of any legal order of superior officers or legal departmental rule
- 8. Conduct that adversely affects the morale or efficiency of the Sheriff's Department
- 10. Conduct that has a tendency to destroy, or distract from the officer's credibility as a witness in court
- 13. Making a false official statement or entry in official records
- 21. Any other act or omission contrary to good order and discipline, or constituting a violation of any of the rules and regulations of the department

Additionally, Captain Beth is responsible for complying with the Kenosha County Code of Conduct, and his actions violated several of its provisions:

1. Behavior that is unprofessional, disrespectful, unethical or discourteous with co-workers, managers, clients, vendors, or to the citizens of Kenosha County or not reporting same to management;

2. Insubordination, refusing to follow direction from a supervisor or manager, or making false statements;
3. Performance that is not meeting expectations and/or not satisfactorily fulfilling job responsibilities including not completing assignments within expected timeframe;
4. Violating any federal or state laws or codes, local ordinances, and any regulations that govern their respective departments;
14. Sabotaging another's work or intentionally causing delay of work, either employee's own of that or others or causing disruption in the workplace;
17. Making malicious, false and harmful statements about others;
23. Falsifying or intentionally misrepresenting records, statements, claims or reports, including employee's own time records or the time records of another employee.

Finally, the rank of Captain is responsible for exercising "seasoned judgment," assisting in the formulation of Departmental policies and procedures, and ensuring that County and Departmental rules, regulations, and policies are enforced at all times, as noted in the Captain Position description.

As a result of his findings that Captain Beth had violated the above, and based upon his determination that Captain Beth's actions had demonstrated a serious lack of the sound judgment necessary to serve as a significant Department leader, Chief Deputy Levin found that there was just cause to reduce Captain Beth in rank to Sergeant. Further, as a result of his lack of truthfulness during the investigation, a Brady notice, indicating that he could be found to be not credible in court, has been filed with the District Attorney's office.

FINDINGS OF FACT

Kenosha County initiated an expansive investigation in December 2020, reviewing the use of special assignment/SA/S/trade days by salaried exempt supervisors in the Sheriff's Department. Such salaried exempt supervisors are not hourly employees. Because they are salaried, they are not entitled to overtime pay or compensation for work performed outside of or in addition to their scheduled shifts. As part of this investigation, Community Security Solutions LLC (CSS) was retained in order to avoid any potential or perceived conflict of interest that could occur when reviewing the actions of a high-ranking officer of the Sheriff's Department. CSS had not worked with Kenosha County before and had no such conflict. They brought particularized expertise to the investigation in the form of significant prior experience in law enforcement on the part of the two investigators and a focus on interval investigations for command staff. Prior to that investigation beginning, the Captains, including Captain Beth, were all told by the Chief Deputy that special assignment days (S days, SA days, trade days) were no longer authorized.

On January 18, 2021, Captain Beth met with his Lieutenants to discuss use of trade time for salaried exempt supervisors to take scheduled work time off for work performed outside of scheduled work time. Neither Sheriff Beth nor Chief Deputy Levin were at this meeting. Later on January 18, 2021, Captain Beth led a meeting of the Operations Command Staff (Lieutenants and Sergeants) in the Emergency Operations Center ("EOC"). Chief Deputy Levin was present at this meeting for a short time and indicated that the administration was working on possible

solutions for the question of salaried exempt supervisors working significant time outside of their scheduled shifts.

Following the discussion with his subordinates on January 18, Captain Beth prepared and presented to them a memo, dated January 21, regarding "Work Time Adjustments" which would allow Supervisory staff to "exchange time worked outside of their normal shift for time off from their normal shift." This was circulated to his subordinate Lieutenants with a request for their feedback. On that same date, Captain Beth sent his draft to memo to Lieutenant Eric Klinkhammer, inquiring whether the Telestaff system would be able to accommodate the suggested policy. When Lieutenant Klinkhammer replied with his initial thoughts, he copied Captain Justin Miller, his immediate supervisor, as Captain Beth had not included him on the initial email. When Captain Beth responded to Lieutenant Klinkhammer, he once again did not include Captain Miller on that correspondence.

As a result of being made aware of what Captain Beth was preparing, Captain Miller met with Captain Beth the following week. He expressed to Captain Beth that the timing of this matter was not right, based upon the ongoing investigation, and that Captain Beth should seek approval from Chief Deputy Levin before putting "anything in motion." He further advised Captain Beth that Captains still needed to seek permission for certain matters and that he believed Chief Deputy Levin would not be okay with the memo.

On Thursday, January 28, 2021, Captain Beth approved several trades requested by Lieutenant Neal Paulsen. Specifically, Captain Beth allowed Lieutenant Paulsen to exchange time worked outside of his normal shift for time off from his normal shift. This resulted in an increase in Lieutenant supervisor coverage on certain days and a reduction in supervisor coverage on other days.

On February 8, 2021, Captain Beth held another meeting with his Lieutenants. He received additional feedback from his subordinate supervisors and as a result revised the memo to lengthen the time period when "[t]rades should [be] scheduled and concluded" from two weeks to one month.

On February 9, 2021, Sheriff Beth met with Chief Deputy Levin and the three Captains for their regular Command Staff Meeting. During this meeting Captain Beth presented his draft shift trades memo. This meeting was the first instance that either Sheriff Beth or Chief Deputy Levin learned of the existence of the memo. Sheriff Beth attempted to end any discussion of the memo as he had no interest in considering it while the investigation was ongoing. Captain Beth, however, continued to disrespectfully insist and demand that his memo be discussed, to the point of being insubordinate. He was described as being persistent, relentless, obnoxious and aggressive. Sheriff Beth became so upset that he left the meeting in order to calm down. When Sheriff Beth returned to the meeting, Captain Beth continued to insist that his memo needed to be discussed, further aggravating Sheriff Beth to the point where he angrily ended the meeting and sent all participants to their offices.

On or around February 11, 2021, Captain Miller met with Captain Beth and reminded him that he had advised Captain Beth to run the idea past Chief Deputy Levin. Captain Beth later told investigators that he told Captain Miller that Chief Deputy Levin had been present at a meeting where it was discussed. No one was able to corroborate that Chief Deputy Levin had been present for any discussions about shift trades or either the contents or concepts of the memo prior to the Command Staff Meeting on February 9, 2021. Additionally, Captain Beth did not raise at that meeting his claim that Chief Deputy Levin was aware of this issue.

On February 18, 2021, the County commenced an investigation into Captain Beth's approval of potentially unauthorized shift changes and his related conduct when trades he had approved for Lieutenant Paulsen were noted. When interviewed as part of the investigation, Captain Beth claimed either to have not met with Captain Miller prior to the February 9, 2021 Command Staff Meeting or to have no recollection of any such meeting where Captain Miller cautioned him against proceeding with the memo without advising Chief Deputy Levin. He further indicated that he was simply seeking clarification on the existing policy. Captain Beth was not placed on leave until after CSS advised it was their belief that he was not being truthful while being interviewed as part of the investigation.

As part of this investigation it was determined that several Lieutenants had believed that the memo as proposed by Captain Beth was being followed and were disheartened and disappointed upon learning that it would not be implemented.

Captain Beth's disciplinary history was discussed. It was noted that beyond minor infractions the only prior discipline of any significance came in 2016, when as a Lieutenant he received a "counseling" from then Captain Levin after composing a statement and requiring that it be read at Detention Center Roll Calls which could have been interpreted as intimidating and pressuring to Correctional Staff. He was advised by then Captain Levin that he had overreached his authority and failed to have the document properly authorized by his superiors before requiring that it be read in a manner which could have implied it was official Department policy. There was also uncontested testimony that when working in Detentions under Captain Miller he had arranged for a concert without seeking appropriate approval from his superiors resulting in the event being cancelled.

SEVEN TESTS OF JUST CAUSE

Pursuant to § 59.26 (8)(b) (5m) a-g, Wis. Stats., the Committee must find that there is "just cause" to sustain the charges brought by Chief Deputy Levin in order to uphold the imposed discipline. Based upon all the evidence presented, including witness testimony and exhibits received by stipulation, the Committee hereby finds:

1. **Captain Beth could reasonably be expected to be aware of the probable consequences of his conduct.**

A Captain can be reasonably expected to understand the requirements of the chain of command as well as understanding that if there was confusion as to current policy, the appropriate process was to seek clarification from his superiors before taking action. Sergeant Beth provided examples in his testimony of prior initiatives he had spearheaded but always after discussing it with either the Sheriff or Chief Deputy. Additionally, a Captain can certainly be reasonably expected to understand the probable consequences of providing misleading or untruthful answers in responding to official investigations.

2. **The rules and expectations of conduct are reasonable.**

It is eminently reasonable to expect one of the third highest ranking members of the Sheriff's department to demonstrate sound and seasoned judgment. The policies are in place to ensure the safe, effective and efficient running of a law enforcement agency. These include the requirements of the chain of command, which are designed to guarantee a supervisor does not impair the Department's ability to carry out its duties by actions or inactions which are not fully

authorized, and which could impact the trust necessary to appropriately lead. Further, there can be no question that it is reasonable to expect a representative of law enforcement to at all times, but particularly in the framework of an investigation, speak plainly and honestly, without resort to dissembling, evasion, or misdirection.

3. There was a reasonable effort to discover whether Captain Beth did in fact violate a rule or order.

There was an extensive investigation into Captain Beth's conduct. It included comprehensive and multiple interviews with Captain Beth, his subordinate Lieutenants, Chief Deputy Levin, Sheriff Beth, Captain Miller, and Lieutenant Klinkhammer as well as review of documents, policies, training, and Captain Beth's work product. Captain Beth had an opportunity to share any statements or evidence prior to the filing of charges.

4. The investigation was fair and objective.

Due to the potential conflict inherent in investigating a high-ranking officer of the Sheriff's Department, particularly one related to the Sheriff, Kenosha County retained Community Security Solutions LLC to conduct the investigation. There had been no meaningful contact between the two primary investigators from CSS and any of the persons involved in this investigation prior to late 2020, when their first investigation of Sheriff Department personnel began. Captain Beth received notice of the investigation including its nature, was fully advised of his rights, was afforded the opportunity to have representation present when interviewed, and was given the opportunity to present any information he believed was pertinent to the investigation into his actions.

5. The investigation discovered substantial evidence of wrongdoing showing Captain Beth violated a rule or order as described in the charges.

The investigation showed Captain Beth to be insubordinate, by continuing to push an issue which the Sheriff indicated they were not discussing. Not only did he demonstrate insubordination through his actions, but his demeanor during the meeting showed a lack of respect for the chain of command and was described by one participant in that meeting as the most disrespectful exchange between a subordinate and superior that he had observed in twenty-eight years of service with the Sheriff's Department. Further, the investigation found that he had enacted an unauthorized policy regarding the trading of shifts without the approval or knowledge of the Sheriff or Chief Deputy, in violation of the chain of command, which resulted in confusion and resentment among his subordinates as well as one Lieutenant having to change an authorized trade for vacation time. Finally, it found that he had failed to be truthful and forthright when discussing the events which formed the basis of the investigation, including denying or failing to remember certain conversations and indicating the participation of the Chief Deputy in a meeting discussing the contents of the memo.

6. The Sheriff's Department is enforcing the rules of orders fairly and without discrimination.

Due to a lack of similar situations, it can be determined that this determination was made fairly and without discrimination.

7. The recommended action of reduction in rank is consistent with the seriousness of the violation and Captain Beth's record of service.

It is vital that the leadership of the Sheriff's Department has the utmost trust and confidence in its highest-ranking officers. This includes not only trust and confidence in the ability to exercise the "seasoned judgment" to which has been previously referred, trust and confidence in an understanding of the propriety of the chain of command and the appropriate role of subordinates, but also trust and confidence that responses from those officers will be wholly truthful. This is for the good of both the individual and of the whole. A lack of faith in any one of these would make it difficult to retain someone in such an elevated position. The lack of faith in all three makes it essentially impossible.

In this situation, Captain Beth sought to appease his subordinates, likely with the best of motives and intentions, by making promises related to a benefit he was not authorized to provide. He raised the hopes of the individuals who worked under his command in this regard and then sought the approval of his superiors, forcing the Sheriff and Chief Deputy into a situation where they needed to advise that no such plan was moving forward, creating a substantial risk of damaging Departmental relations.

Chief Deputy Levin testified eloquently that he took into consideration Captain Beth's long and distinguished record of service. He concluded, however, that he simply no longer had the requisite confidence in Captain Beth's judgment and felt it was necessary that there be a buffer between him and significant decision making-authority, which led him to the conclusion that the demotion to the rank of Sergeant was most consistent with the seriousness of the violations including the disregarding of the chain of command, the insubordinate behavior, and the lack of candor during the investigation.

FINDINGS, CONCLUSION AND ORDER

The Committee finds that Captain Beth, through his actions and statements, was insubordinate, violated the chain of command, and failed to provide truthful responses during the investigation into this matter, resulting in violations of Department Policies, the Civil Service Ordinance, and the County Code of Conduct as charged by Chief Deputy Levin.

Further, a majority of the Committee concludes that Chief Deputy Levin has proven, by a preponderance of evidence, that the Seven Tests of Just Cause were met in this instance. Like Chief Deputy Levin, they struggle with the lack of any significant discipline over the course of a quarter century career in the Sheriff's Department but ultimately defer to the determination and judgment of the Chief Deputy that the degree of trust necessary to be comfortable with retaining Captain Beth as one of his three "right hands" has been irretrievably damaged by his actions both before and during the investigation.

Ultimately, this is not a question of whether a policy should be or should have been created for the benefit of the salaried-exempt supervisory staff. It is one of whether the actions taken before and during the investigation show a lack of sound and seasoned judgment, understanding of the chain of command, and candor with superiors and those acting on their behalf. Captains do not, on their own authority, enact policies. Captain Beth clearly knew this based on his own experience of initiating changes after consultation with his superiors. Based upon all the testimony taken and the evidence presented in the form of stipulated exhibits, by a majority vote, **IT IS HEREBY ORDERED:**

That the determination of Chief Deputy Levin to impose discipline upon Captain Bill Beth by reduction of rank to that of Sergeant is hereby **affirmed**.

Dated this 22nd day of June, 2021.

Jeff Gentz

Ronald J. Frederick

Edward D. Kubicki

Jeff Wamboldt

Monica M. Yuhas

John Franco

I respectfully dissent from the decision of the Committee. While cognizant of all the factors which led my colleagues to their determination, it is my conclusion that the imposed penalty is too harsh.

I agree that Captain Beth was insubordinate but due to his stellar record with the Department and the lack of any significant previous discipline or following of what I believe would have been a proper progressive approach to discipline, I simply do not feel that his actions merit a reduction in rank.

It is my belief that at some point the County Board may enact a policy similar to that which Captain Beth was proposing and while he may have been told not to circulate the memo, he was suggesting an idea whose time has likely come.

I would retain Captain Beth at that rank, impose a period of leave without pay, and effectively place him on a "last-chance" understanding that any future violations of rules, policies, or ordinances would result in the Department seeking termination.

Dated this 22nd day of June, 2021.

Terry Rose

FILED
08-27-2021
Clerk of Circuit Court
Kenosha County
2021CV000786
Honorable Angelina Gabriele
Branch 6

STATE OF WISCONSIN **CIRCUIT COURT** **KENOSHA**

Bill E. Beth vs. Kenosha County et al

Electronic Filing Notice

Case No. 2021CV000786
Class Code: Petition for Writ of Certiorari

KENOSHA COUNTY
1010 56TH STREET
KENOSHA WI 53140



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If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-653-2664.

Kenosha County Circuit Court
Date: August 30, 2021

GM 9/16

UNREDACTED

FILED
08-27-2021
Clerk of Circuit Court
Kenosha County
2021CV000786
Honorable Angelina Gabriele
Branch 6

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KENOSHA COUNTY FINANCE/ADMINISTRATION COMMITTEE
1010 56TH ST. 2ND FLOOR
COUNTY ADMINISTRATION BUILDING
KENOSHA WI 53140

RECEIVED
SEP 16 2021
REGI BACHOCHIN
COUNTY CLERK

UNREDACTED

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